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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting
Held at Headquarters, New York, on Tuesday, 9 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr. ..... (Liberia)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.10 p.m.

Agenda item 59: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/73/23 (chaps. V and XIII) and A/73/64)

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1. **Mr. Santos Maraver** (Spain) said that the continued status of Gibraltar as the last colony in Europe was all the more unjustifiable since the administering Power, the United Kingdom, was a Spanish ally in many other areas. Under the Treaty of Utrecht, Spain had ceded to the United Kingdom only the town and castle of Gibraltar, together with its port, fortifications and forts, without ceding Territorial waters or Territorial jurisdiction. Yet, ignoring the terms of that Treaty, the United Kingdom had illegally occupied the isthmus and surrounding waters. The British occupation was contrary to international law and violated the integrity of Spanish territory; therefore, Spain would continue to request restitution until decolonization had been completed.

2. The General Assembly and the Fourth Committee had mandated Spain and the United Kingdom to begin negotiations on ending the colonial situation, specifying in a series of resolutions that the decolonization of Gibraltar must be governed by the principle of territorial integrity rather than the principle of self-determination, and setting 1 October 1969 as the deadline for decolonization. Those negotiations could only take place with full respect for international law and within the framework of established United Nations doctrine. However, in that connection, the administering Power had behaved erratically. It had deliberately ignored United Nations resolutions when it had held a referendum on questions of sovereignty in 1967, which had been condemned by the General Assembly in its resolution 2353 (XXII). It had unilaterally suspended negotiations after appearing to move towards a mutually acceptable solution. No progress had been made in over fifty years. Given the successful decolonization of other British Territories, it was clear that the fundamental obstacle was the Government's lack of political will.

3. Focusing exclusively on issues of sovereignty would reduce that serious problem to a conflict between Governments. In reality, the presence of a colony within Spain produced harmful effects beyond the political sphere. Gibraltar's special tax regime distorted the region's economy to the detriment of the Treasuries of Spain and Europe. While his Government felt that the prosperity of Gibraltarians could help to improve relations and provide social and economic benefits, it would not allow the economic imbalance to be used to harm the economy, environment or public safety of Campo de Gibraltar, particularly by enabling the illicit trafficking of tobacco. Spain remained open to dialogue and was ready to reach an agreement with the United Kingdom in order to form a new regional partnership.

4. Lastly, in the wake of the decision by the United Kingdom to leave the European Union, his Government hoped that the forthcoming relationship between Gibraltar and the European Union, which would inevitably pass through Spain, would benefit Campo de Gibraltar and the inhabitants on both sides of the border. Spain would continue to defend the rights and interests of those Spaniards, who were most affected by the problems arising from the colonial situation.

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and petitioners

5. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

Question of French Polynesia (A/C.4/73/2 and A/C.4/73/2/Rev.1)

6. **Mr. Fritch** (President of French Polynesia) said that French Polynesia was a free, democratic and autonomous country, as was written in article 1 of its autonomy statutes. It was in no way a colony; it did not suffer oppression, and its natural resources were not confiscated by France. If the remarks made by pro-independent Polynesians were true, there would be ample proof shared on social media. Given that the Committee was lacking objective information, he invited it to visit the islands to assess the political, economic and social situation directly. Furthermore, he strongly refuted the report, presented to the Committee on 4 October 2016, which claimed to be an independent self-governance assessment. The author, a United States national, had been an employee of a pro-independence group and had never met with Polynesian institutional authorities. He therefore solemnly requested that the Committee no longer reference that report.

7. In May 2018, French Polynesia had held general elections, which had been observed by the Pacific Islands Forum. Pro-autonomy candidates had won a majority, holding 39 of 57 seats in the Assembly, and he had been elected to serve another five-year mandate. The pro-independence party now represented 23.1 per cent of voters, down from 29.3 per cent in 2013. While the elections were not a vote on self-determination, they provided a good indication of the opinion of the Polynesian people, which had reaffirmed its choice and its right to remain an autonomous country within the Republic of France.

8. France was an indispensable partner in the harmonious development of French Polynesia. The Government continued to provide security and protection, particularly for the Polynesian exclusive economic zone; financed 90 per cent of the education system and paid the salaries of teachers in public and private schools; and had established a land tribunal to address the lack of land division, which was essential to agricultural development. French Polynesia also requested the financial and technical assistance of France in a number of other areas. It chose to prioritize partnership and cooperation with France and recognized that the State was a good and loyal partner.

9. **Mr. Rohfritsch** (Vice-President of French Polynesia) said that his Government was embarrassed by the local political infighting that was on display before the Committee when many minorities were experiencing overwhelming suffering around the world. Representatives of his Government were attending the meeting in an effort to convince the Committee that Polynesians were not oppressed by an administering Power. Although they had been colonized through treaties and armed conflicts, they had not been enslaved or sent to labour camps. A significant majority of Polynesians were committed to the French Republic, as every election confirmed. The country was progressing at its own pace towards greater autonomy through frank, continuous dialogue with France.

10. French Polynesia was an autonomous, peaceful society that did not require a humanitarian mission. Its gross domestic product was among the highest in the region. It had a cutting-edge health infrastructure and a universal education system financed by France. Of course, unemployment and poverty persisted, but they were the result of a globalized economy that prioritized growth over equitable distribution. The greatest challenge faced by his Government was to support sustainable development in a country spread across the ocean so that future generations could remain on the islands and live in dignity.

11. History would judge whether the nuclear tests conducted by France were an act of colonialism. The French Government had recognized the impacts of nuclear testing and had established a reparations programme, albeit one that could be improved. However, supporting the Republic did not mean blindly supporting every decision made by the State; the Polynesian people were free to engage in debate.

12. As a member of the Pacific Islands Forum, French Polynesia was working to combat the effects of climate change and the over-exploitation of fishing resources. The greed and arrogance of humanity and the disregard for climate agreements and ocean protection would cause the peoples of the Pacific to be swallowed up by the oceans. He wondered whether it could then be argued that French Polynesia was under the yoke of 7 billion colonists. In addition, its exclusive economic zone, which was monitored by the French Navy, had been reserved for sustainable fishing and was a sanctuary for marine mammals and protected species.

13. French Polynesians believed in the right to self-determination, which had been granted to them under the French Constitution, and a significant majority were satisfied with autonomy, as was their fundamental right.

14. **Mr. Tong Sang** (President, Assembly of French Polynesia) said that the Assembly of French Polynesia was an autonomous organization that respected the separation of powers and was guaranteed by article 74 of the French Constitution.

15. The parliamentarians had been working tirelessly to build a modern, prosperous and united country, and the Assembly had resumed relations with other parliaments in the region. It had been invited to collaborate in the work carried out by New Zealand, Australia and China and had received visits from representatives of the Governments of Vanuatu and the United States of America. In addition, he had recently participated in the meetings of the Pacific Parliamentary Partnership organized by Indonesia.

16. Governments in the Pacific region clearly recognized the autonomous position held by French Polynesia, as did the United Nations. He had also been contacted by the United Nations Development Programme to assist in providing support to parliaments in the region. The Organization could count on all representatives of the Assembly of French Polynesia to share their parliamentary and democratic experience in that regard.

17. **Ms. Tetuanui** (Member of the Senate of France and Member of the Assembly of French Polynesia), speaking as Chair of the French extra-parliamentarian follow-up commission on financial compensation for the victims of nuclear testing, said that, in 2016, the former President of France, François Hollande, had officially recognized the health and environmental impacts of nuclear testing. Additionally, the 2017 Élysée Accord had acknowledged the commitment and support of the State on the nuclear issue. The people of French Polynesia must now move forward in building a future, without forgetting their history. With assistance from France, the Government was monitoring the atolls, rehabilitating the environment and providing the best available care to Polynesians affected by possible radiation-induced illnesses.

18. With regard to the right to compensation for victims of nuclear testing, she and her colleagues had become actively involved in amending the overly complex Morin Law and improving the compensation programme. That work was being carried out in collaboration with the relevant national organizations in a transparent, rigorous and objective manner, and all people had the right to express themselves freely on the issue.

19. **Mr. Tokoragi** (Municipality of Makemo Atoll in the Tuamotu Archipelago) said that he was a member of the Assembly of French Polynesia and the mayor of Makemo, a low-lying atoll with 800 inhabitants located 600 km from Tahiti. The necessary infrastructure was in place to facilitate the daily lives of its inhabitants, including electricity, drinking water, landline and cellular telephone networks and a submarine Internet cable. There was also a middle school, an infirmary, two sports centres, an airfield and a quay.

20. As part of a policy of territorial contiguity that had been in place for over 30 years, the Government covered the cost of freight so that basic necessities could be sold at the same price across the islands. It also covered the cost of air transport to medically evacuate people suffering from serious illnesses. In addition, 2,000 students were transported to school by air, which was financed by the Government in partnership with France. Human and maritime security were also ensured through a partnership with the State of France, which helped to monitor 5.5 million square kilometres of ocean territory. The Government sought to provide every Polynesian citizen with equal access to essential public services and basic commodities, regardless of location, which was possible because it established its own economic, social, environmental and cultural policies.

21. **Mr. Maraea** (Ma'ohi Protestant Church) said that the Church supported the position taken by the World Council of Churches at its First Assembly in 1948, during which it had referred to warfare with nuclear weapons as a sin against God and a degradation of man. Nuclear tests had been carried out in the Territory of Ma'ohi Nui between 1966 and 1996, long after the French Government had become aware of the severe health effects of radioactive fallout. The tragic consequences of those crimes against humanity could still be felt across the Pacific region.

22. The Ma'ohi Protestant Church had been at the forefront of the struggle to oppose nuclear testing in Ma'ohi Nui since the 1990s and had been consistently vocal in highlighting the health and environmental impacts. The French Government must take responsibility for the harm done and ensure adequate reparations for those crimes. The Church was submitting a complaint with the Human Rights Council and called on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to undertake a fact-finding mission with a view to determining the health, environmental and genetic impacts of the French nuclear tests conducted in Ma'ohi Nui.

23. **Mr. Pihaatae** (Pacific Conference of Churches) said that in 2011, leaders of the Pacific Conference of Churches had adopted a resolution to promote the reinscription of Ma'ohi Nui on the list of Non-Self-Governing Territories. Since 1970, the Conference had continually supported the Ma'ohi Protestant Church on the issue of French nuclear testing and the related health, environmental, social and economic impacts. His organization called on the Special Rapporteur on the promotion of truth, justice,

reparation and guarantees of non-recurrence to undertake a fact-finding mission in the Territory. Those human rights violations continued to have serious implications for the people of Ma'ohi Nui and society as a whole. Redress had been grossly inadequate; hundreds of claims for radiation-induced illnesses had been rejected by Paris. In that connection, the Conference fully supported the complaint submitted by the Ma'ohi Protestant Church to the Human Rights Council.

24. **Mr. Prove** (World Council of Churches) said that the World Council of Churches had long supported the efforts of the Ma'ohi Protestant Church to achieve the decolonization of French Polynesia and to promote justice and care for those suffering as a result of the nuclear tests conducted in the region. The Council's central committee had explicitly affirmed its support for the reinscription of French Polynesia on the list of Non-Self-Governing Territories. Although French Polynesia was a semi-autonomous Territory, France continued to exert influence on many essential domestic and international matters, such as defence and external affairs. As a result, Polynesian authorities would be prevented from signing and ratifying the Treaty on the Prohibition of Nuclear Weapons. The Council therefore called on France, the United Nations and the international community to support the people of French Polynesia in the full realization of their legitimate aspirations and their right to self-determination.

25. **Ms. Tairua** (Union chrétienne des jeunes gens de Polynésie) said that her organization appreciated the work being done by the International Criminal Court, which defined crimes against humanity as inhumane acts intentionally causing great suffering or serious injury to body or to mental or physical health. Given that the French Government had been fully aware of the consequences of nuclear testing, its actions over 30 years fit within the definition.

26. Her organization fully supported the complaint submitted to the Human Rights Council by the Ma'ohi Protestant Church, which called on the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to undertake a fact-finding mission in the Territory. She also requested that the Committee restore to the draft resolution on French Polynesia the paragraph of the Secretary-General's report on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/72/74) and the Assembly's request for continuous updates in that regard. That language had already been agreed and adopted as paragraph 11 of General Assembly resolution 72/101.

27. **Mr. Neuffer**, speaking in his personal capacity as a lawyer in Tahiti, French Polynesia, said that constant vigilance by the United Nations in its assessment of the consequences of French nuclear testing in Ma'ohi Nui, which had been perpetuated in violation of basic human rights, was critical to the protection of victims' rights. However, the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia, published in 2014 (A/69/189) and 2017 (A/72/74), had lacked depth and seemed to suggest that the nuclear testing had had no impact.

28. Furthermore, the draft resolution on the question of French Polynesia had eliminated three paragraphs from General Assembly resolution 72/101, including the paragraph containing the request to the Secretary-General to provide continuous updates on the impacts of nuclear testing. The deletion of that paragraph was completely unacceptable to the people of Ma'ohi Nui, especially those who were affected by the tests. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee on decolonization) had thereby freed the administering Power from its obligations to report to the General Assembly. He therefore requested that the Fourth Committee restore that paragraph to the draft resolution and called on the Special Committee to be more careful in its actions, which could have a deleterious impact on the people who sought its support. Lastly, he expressed concern that the administering Power was quietly covering up its responsibility for the 193 nuclear tests conducted in French Polynesia by enacting compensation legislation (the Morin Law) that had not yet been implemented and, even worse, could reflect its blatant disregard for humanity.

29. **Mr. Oldham** (Association Moruroa e Tatou) said that, with the support of the Ma'ohi Protestant Church, the World Council of Churches and the pro-independence party, his Association had been instrumental in gathering scientific evidence on the French nuclear tests conducted in the islands and had submitted numerous legal claims before the French courts in Tahiti and Paris to assist victims in receiving compensation. Since 2001, the Association had focused on raising awareness of the tests' harmful effects on the health of workers. In 2003, it had begun to collect clear medical evidence that its members had been affected by illnesses caused by exposure to the radioactive fallout from nuclear tests in the Moruroa and Fangataufa atolls, particularly the atmospheric nuclear tests.

30. Following a significant court decision in 2009 that had granted financial compensation to members of the

Association, the French Government had passed the Morin Law, which finally acknowledged the harmfulness of the tests. However, the law had also created a compensation mechanism clearly designed to suppress the number of court cases and reduce the chances of receiving compensation. The administering Power had never respected the victims or genuinely considered them when drafting legislation on the issue. It operated behind the scenes to minimize its responsibility and guilt for the crimes against humanity perpetrated against the people of Ma'ohi Nui. Therefore, civil society organizations representing nuclear victims had a duty to address the relevant United Nations committees in order to demonstrate how nuclear colonialism interfered with the decolonization process.

31. **Mr. Uebe-Carlson** (Association 193), referring to the draft resolution on French Polynesia, said that the deletion of the paragraph on the impacts of French nuclear testing seemed to suggest that the United Nations could no longer provide support to the Polynesian people. His Association stressed the importance of reinserting that paragraph with the obligation imposed on France, under United Nations supervision, to transmit regular reports on the environmental, ecological and health impacts of its nuclear testing in French Polynesia

32. More than 55,000 people had signed a petition calling for a referendum on the effects of French nuclear testing. It was therefore a lie to claim that all was well in French Polynesia and that the people were content. President Fritch had wilfully misrepresented the results of the last election, claiming that they favoured the French State and suggesting that the United Nations no longer had a role to play. However, France could not be allowed to serve as both judge and concerned party for its crimes against humanity. For that reason, his Association sought the intervention of the United Nations to ensure that the French State fully assumed its legal responsibility to compensate the victims of nuclear testing. A veritable genocide was occurring in the short and long term, and the Morin Law, despite its shortcomings, was proof of the State's guilt.

33. The Polynesian people needed the support of the United Nations to acknowledge their suffering, which was called into question by some members of the current Polynesian Government who suffered from Stockholm syndrome.

34. **Mr. Chan** (Association Te Ora Naho) said that French law stipulated that everyone had the right to live in a balanced and healthy environment, and that each person must contribute to repairing the damage he or she had caused the environment.

35. The environmental impacts of the 193 nuclear tests conducted in French Polynesia were extensive, having produced 368 incidents of radioactive fallout throughout the entire Territory, according to a report issued by the Ministry of Defence in 2006 and documents declassified in 2013. Moreover, 3,200 tons of contaminated materials had been dumped into the ocean near the Hao and Mururoa atolls; tons of radioactive waste of every grade had been discharged into the Mururoa lagoons, and highly radioactive materials were stored in wells dug in that atoll; and two wells located less than 50 meters from the ocean contained radioactive waste, in violation of international regulations for storing such waste. The 147 underground explosions had strongly destabilized the geological structures of Mururoa: large faults had appeared; the exterior slopes of the southern zone had collapsed in three places; and a severe risk of collapse existed in the northern zone, which had been weakened by 28 underground tests. Considering the radioactivity levels and presence of plutonium in the seabed, the Mururoa and Fangataufa atolls were definitively unsuitable for any ordinary human activity.

36. Those few examples provided ample justification for maintaining the obligation imposed on France to submit an annual report on the effects of radioactivity in French Polynesia, which should be monitored by independent experts to assess the credibility of its conclusions. He therefore requested that the deleted paragraph concerning the reports of the Secretary-General on nuclear testing be reinserted into the draft resolution on the question of French Polynesia.

37. **Mr. Temaru** (Tavini Huiraatira No Te Ao Maohi party) said that Ma'ohi Nui had been removed from the original list of Non-Self-Governing Territories in 1963, in response to a unilateral request from the administering Power which had been made to prevent the United Nations from having a say in its nuclear testing, which had begun that same year. Contrary to the French version of events, those nuclear tests had been imposed upon the Ma'ohi people under the direct threat of military governance.

38. Since 2013, his party had sought to establish a responsible dialogue between the administering Power and all Ma'ohi political parties, under the scrutiny of the United Nations. The Committee had also called for dialogue, but its requests had been ignored, as if the rules and resolutions of the United Nations only applied to some.

39. Unfortunately, it seemed that France had succeeded in lobbying the Special Committee for the removal from the resolution on the question of French Polynesia of the one paragraph concerning its

responsibility for nuclear testing and the need for it to transmit transparent and comprehensive reports on that issue to the United Nations. As a result, his party had filed a complaint with the International Criminal Court for crimes against humanity which sought to bring forward all living former French presidents who had served since the beginning of nuclear testing.

40. **Mr. Geros** (Tavini Huiraatira Group within the Assembly of French Polynesia) said that the inalienable right of the people of French Polynesia to self-determination and independence had been formally confirmed by the General Assembly in its resolution 67/265. However, the administering Power continued to disrespect the Special Committee, the Fourth Committee and the General Assembly by refusing to accept the six General Assembly resolutions on the self-determination of French Polynesia that had been passed by consensus over the past five years. Furthermore, it disregarded international law and flatly refused to comply with the Charter of the United Nations.

41. Given the global consensus in favour of a legitimate self-determination process for the Territory, his Group once again called on the administering Power to emerge from the diplomatic shadows and comply with its legal obligations under the Charter to cooperate with the United Nations on the decolonization of French Polynesia. Should France wish to argue that the political status of the Territory was not colonial, it should do so in negotiations within that framework.

42. Since the reinscription of French Polynesia on the list of Non-Self-Governing Territories, France had continued to disrespect the petitioners and the General Assembly by refusing to hear the voices of those struggling under colonization. The Group therefore requested the effective presence of the French delegation at each meeting of the Committee.

43. **Ms. Tevahitua** (Association Te Vahine Maohi No Manotahi) said that French Polynesia had never been given an opportunity to address the issue of a permanent political status through a genuine process of self-determination. There were some who believed that the present colonial status was a legitimate form of self-government. As a result, the current proxy Government presented the Committee with the illusion of self-governance at the direction of the administering Power. However, such subterfuge only served to delay the process. The international community must therefore remain vigilant against the colonial platforms being put forth.

44. A genuine process of self-determination would require the United Nations to play a direct role. However, the Organization had been relegated to an observer capacity, and the administering Power was allowed to conduct the process while openly demonstrating a lack of objectivity by expressing its preference for the outcome. Her Association therefore called for a credible education programme to be undertaken in the Territory with regard to a self-determination referendum, consistent with the relevant General Assembly resolutions.

45. Furthermore, her Association called on the administering Power to comply with its obligations under international law, particularly to provide information to the Secretary-General under article 73 *e* of the Charter of the United Nations and to bring the Territory to the full measure of self-government through a genuine self-determination process, in accordance with article 73 *b* of the Charter. She called on the General Assembly to mandate a constructive programme of work for the Territory, to be initiated as a matter of urgency. Lastly, her Association requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

46. **Ms. Galenon** (Vahine Piri Rava Women's Association) said that five years had passed since the adoption of General Assembly resolution 67/265, which had reinscribed French Polynesia on the list of Non-Self-Governing Territories. Since that time the Assembly had adopted an annual resolution calling for specific actions to be undertaken in order to advance a genuine process of self-determination. The Polynesian people and the global community must be assured that the United Nations would do more than simply adopt resolutions and would take the necessary steps to implement them as well.

47. The city of Faa'a, Tahiti, had erected a monument commemorating that resolution, and thousands of people had attended its unveiling. They believed in the United Nations system and its commitment to develop a constructive programme of work for the decolonization of French Polynesia. It was important to remain vigilant in that process because modern colonialism did not represent genuine decolonization. The Committee must continue to reject attempts by the proxy colonial representatives to legitimize their illusion of self-government, which was designed to extend the French policy of assimilation and circumvent the decisions of the General Assembly. Lastly, her Association requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

48. **Ms.** Valentina **Cross** (Member, City Council of Teva I Uta) said that local elections in the Territory could not be recognized as a substitute for a legitimate act of self-determination. While the proxy Government used the election results to justify the colonial status, its representatives neglected to mention that they benefited greatly from the electoral process. The administering Power had the authority to write and amend electoral ordinances; include French police and military personnel in the electoral rolls; and cancel election results for dubious reasons, such as the colour of the curtains in a polling station, which had occurred in 2017. It also had the authority to grant bonus seats in the Assembly, which were offered to the political party that supported colonial accommodation and so-called autonomy. As a result, the present Government did not represent the majority of French Polynesians and that bias called into question the legitimacy of the election results. Lastly, she wished to request the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

49. **Ms. Atger** (Tae Kwon Do Association and Associated Disciplines of Tahaa Island) said that a comprehensive self-governance assessment for French Polynesia had been conducted in 2013 and had concluded that the Territory's political status had not met the standard of full self-government. Nevertheless, the accommodationist Government, elected under biased electoral procedures, continued to insist on the discredited notion that the colonial model represented self-government. It extoled the virtues of twenty-first century colonialism while omitting any reference to the true nature of the unilateral powers exercised by the administrating Power over the Territory. That contemporary colonial arrangement must be replaced by sustainable and genuine self-government.

50. Her Association also wished to request the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

51. **Mr.** Stanley **Cross**, speaking in his personal capacity as a member of the legal profession in Papeete, said that the impact of the 30-year-period of nuclear testing conducted by France in the Territory and the subsequent obstacles to obtaining just compensation and reparation for victims represented one of the most egregious crimes against humanity. The French Government had been fully aware of the health impacts of nuclear contamination but had continued testing without divulging that information.

52. The Polynesian people acknowledged the leading role that Kazakhstan had played in establishing the International Day against Nuclear Tests in 2009 and would continue to follow closely the activities of the international community in that regard. An independent State of Ma'ohi Nui would support the cessation of nuclear testing and encourage all States to give effect to the Comprehensive Nuclear-Test-Ban Treaty.

53. Finally, his Association wished to request the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

54. **Mr. Villar** (Tavini Huiraatira Group within the Assembly of French Polynesia) said that his Group endorsed the position of the Movement of Non-Aligned Countries, which acknowledged the existence of a special responsibility towards the people affected by nuclear tests. France must be held accountable for the human and environmental damages caused by 30 years of nuclear testing in French Polynesia, which had impacted the entire Pacific region.

55. While the Group appreciated the two reports of the Secretary-General on the environmental, ecological, health and other impacts of the 30-year period of nuclear testing in French Polynesia (A/69/189 and A/72/74), it was disappointed that they had lacked substance. Moreover, the Special Committee had been convinced to remove language from General Assembly resolution 72/101 on the question of French Polynesia in which the Assembly had called for the Secretary-General to continue to review that major issue. He wondered how the truth about the impacts of nuclear testing could suddenly be swept away by bureaucratic indifference. The Group therefore requested that the reporting obligations of the Secretary-General be reinstated in the forthcoming draft resolution.

56. Finally, the Group requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

57. **Ms. Panie**, speaking in her personal capacity, said that, through its proxy Government in the Territory, the administering Power clearly sought to downplay the impact of 30 years of nuclear testing. Furthermore, it refused to cooperate with the Committee to begin the decolonization process, as mandated by General Assembly resolution 67/265. France continued to engage in biased shadow diplomacy, which was evidenced by the unacceptable deletion of language in the draft resolution regarding the impact of nuclear testing in French Polynesia and its reporting obligations. Member States should be concerned that such important

language could be quietly deleted in informal consultations and she respectfully requested that it be restored.

58. The United Nations had long been informed of the existence of extensive, independent scientific reports revealing the real impacts of nuclear testing on the islands, but there had been significant bureaucratic resistance to their circulation. According to General Assembly resolution 72/91, information on Non-Self-Governing Territories should be drawn from all available published sources. Those reports should therefore be made available to Member States. However, the administering Power had successfully censored information regarding the true nature of the nuclear tests in French Polynesia, as few references were made in the First Committee, the International Atomic Energy Agency and all other disarmament forums that dealt with nuclear testing. Lastly, she requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

59. **Ms. Estall** (Association No'Oe Au Faa'a) said that her Association was disappointed by the skilful omission from United Nations resolutions and working papers of references to public information that presented a detailed picture of the impacts of French nuclear testing on the Polynesian people. It could only conclude that the administering Power used its influence to censor information that would otherwise be available to Member States. France seemingly did not need to abide by its obligation under the Charter of the United Nations to provide information on French Polynesia, as no sanctions had been imposed for its lack of cooperation. If France did indeed have a credible position on the effects of nuclear testing, she wondered why it had not been shared.

60. There was no doubt that the imposition of 30 years of nuclear testing on an unsuspecting population and the concealment of the consequences of radioactive contamination were crimes against humanity. In order to ensure that those crimes were subject to the law, the censorship of scientific studies and analyses must be lifted.

61. Her Association appreciated the consistent recognition by the States members of the Non-Aligned Movement of the right of the Polynesian people to self-determination and independence, in accordance with the Declaration on decolonization.

62. **Mr. Chailloux**, speaking in his personal capacity as a professor of Tahitian language, said that French Polynesia was one of the last vestiges of contemporary European colonialism in the Pacific. The proxy, accommodationist leadership was elected through a distorted electoral system that reinforced its position as an occupied Territory. The consistent political, diplomatic and material support of the Non-Aligned Movement had been a major catalyst for the independence of many former colonies. As a result, the elected pro-sovereignty block in the Assembly of French Polynesia counted on the continued support of the Movement in promoting self-determination and independence for French Polynesia, in line with its long-standing mandate and General Assembly resolution 1514 (XV). He called on States members of the Movement to stand firm on its core principles and recall that they too had suffered under colonialism. He also requested the effective presence of the French delegation at each meeting of the Committee with a view to fully implementing General Assembly resolution 67/265.

63. **Mr. Taerea** (Association Blue Djeun's No Maohi Nui) said that the inalienable rights of the Ma'ohi people had been formally recognized by General Assembly resolution 67/265. Those rights included the right to own, control and have permanent sovereignty over its natural resources, including marine resources and underseas minerals within its exclusive economic zone. France seemingly refused to acknowledge the reinscription of Ma'ohi Nui on the list of Non-Self-Governing Territories in order to continue to illegally exploit those natural resources for its own benefit. In defiance of the international community, it had issued a presidential decree to claim so-called strategic resources and had done so with impunity.

64. In further disregard for the rights of the Ma'ohi people, the administering Power had announced plans to claim an extended continental shelf in the Territory's waters through the Commission on the Limits of the Continental Shelf. A recent decision by the Commission had already allowed France to claim 500,000 square kilometres in the waters of New Caledonia, even though a forthcoming referendum on independence could return ownership of those resources to the Kanak people. Such decisions granting administering Powers the rights to the natural resources of the Non-Self-Governing Territories which they administered were inconsistent with the relevant decisions of the International Court of Justice, the General Assembly and the Office of Legal Affairs. The Special Committee should therefore request that the Commission clarify its position.

65. **Mr. Brotherson** (French Polynesian Deputy to the National Assembly of France) said that, despite the inspiring speech delivered by President Macron before the General Assembly in favour of sovereignty and

multilateralism, the French delegation continued to leave the room during the discussion of French Polynesia. He wondered how long the administering Power would be allowed to treat the decolonization of Ma'ohi as a bilateral non-issue.

66. The Committee had not heard from representatives of the administering Power, only representatives of the accommodationist Government who wished to remain colonized forever. They had invited members of the Committee to visit the country, but he stressed that a standing invitation to host a visiting mission had been issued since 2013. Despite their claims, there was no provision for a proper referendum on self-determination in the French Constitution. They had mentioned the land tribunal but had not mentioned that it was worthless, as it would be toppled by the Civil Code, under which French Polynesia had no power. Furthermore, the amount of money allocated to compensate victims of nuclear testing, under the Morin Law, was equivalent to the amount allocated for the removal of canine excrement within the budget of Paris. Perhaps the representatives of the accommodationist Government did not realize that their success would silence the voices of all Ma'ohi people within the United Nations.

67. **Mr. Tuheiava** (Member of the Assembly of French Polynesia) said that the issue of natural resources was critical to the Territory's future sustainable development. The absence of the administering Power from discussions clearly indicated that it did not wish to confront the Ma'ohi people as it continued to exploit their resources and violate international norms. Since 2013, statements made in the Special Committee and the Fourth Committee had consistently highlighted the actions that impeded the right to self-determination; the considerable political, social and economic inequalities inherent in the colonial arrangement; and the financially exploitative relationship with France, in violation of decades of relevant United Nations resolutions.

68. That financial exploitation took many forms, including the stubborn retention of the Territory's natural resources. The United Nations Convention on the Law of the Sea extended French sovereignty over the undersea and seabed resources within, as well as the aerial zone above, the exclusive economic zone of Ma'ohi Nui. French law gave the administering Power unilateral control over the market of strategic raw materials. In addition, aviation taxes and overflight fees paid by airlines landing at the Tahiti-Faa'a International Airport were collected by the French Government, but no revenue was provided to the city of Faa'a. Furthermore, the French spatial programme, based in French Guiana, had been a tremendous source of income for France, and hundreds of satellites crossed the spatial zone above the exclusive economic zone of Ma'ohi Nui every hour. Finally, the administering Power used the Territory as an asset to gain favourable loans in global financial markets.

69. **Mr. Bessedik** (Algeria) said that a number of references had been made in the Fourth Committee and the Special Committee to the removal of a paragraph of General Assembly resolution 72/101 that called on the Secretary-General to provide continuous updates on the impacts of nuclear testing in French Polynesia. He wished to know what effect the deletion of that language would have.

70. **Mr. Tuheiava** said that the deletion of the paragraph was disappointing and undermined the very purpose of the resolution. It attempted to relieve the Secretary-General of his responsibility to remain seized of the ongoing environmental, ecological and health impacts of French nuclear testing. It also indirectly, but intentionally, relieved the administering Power of its legal obligations under the Charter of the United Nations to transmit such information. He asked why such an effort was being made to limit United Nations oversight on the matter and why no proactive approach was taken to collaborate with United Nations bodies that dealt with issues related to nuclear testing.

Question of Gibraltar (A/C.4/73/3 and A/C.4/73/3/Rev.1)

71. **Mr. Garcia** (Deputy Chief Minister of Gibraltar) said that much progress had been made on decolonization in the years following the Second World War, and there were now less than 2 million people living in Territories dependent on colonial powers. However, only one Territory had been removed from the list in the past 30 years, since the establishment of the first International Decade for the Eradication of Colonialism.

72. In the communiqué adopted at the Overseas Territories Joint Ministerial Council, held in November 2017, the Government of the United Kingdom and the Governments of its Overseas Territories had declared that the principle of equal rights and self-determination as enshrined in the Charter of the United Nations applied to the peoples of the Overseas Territories and that the United Kingdom would continue to support delisting requests. To that end, Gibraltar and the United Kingdom had stated that they would welcome a visiting mission, but the United Nations had not come. In 2006, Gibraltar and the United Kingdom had agreed upon a new Constitution, under which Gibraltar enjoyed a greater degree of self-governance than ever before. The Constitution had been submitted to the Special Committee, and once again, there had been no reply.

Since 1963, Gibraltar had been addressing the United Nations as an enthusiastic supporter of decolonization, but the lack of response seemed to suggest that the United Nations did not wish to work with Gibraltar. Gibraltarians had freely and democratically expressed their wishes, but Spain impeded progress on those issues; its outdated attitude towards Gibraltar had caused the decolonization process to stall.

73. In March 2019, the United Kingdom and Gibraltar would be leaving the European Union, which would create a challenge for both Gibraltar and Spain. The land border between the two continued to be used as a political weapon. Border controls conducted by Spain had often caused lengthy delays for traffic and pedestrians crossing in either direction. In 2016, the Government of Spain had threatened to close the border, as it had done under the Spanish Dictator General Franco nearly 50 years earlier. It had said that a relationship with the European Union would be possible only if Gibraltar agreed to shared sovereignty with Spain, which 98 per cent of Gibraltarians had rejected in a 2002 referendum. However, since the beginning of 2018, Spain and Gibraltar had engaged in direct discussions to protect the people on both sides of the border. The Government of Gibraltar welcomed that positive approach, based on dialogue and cooperation rather than conflict and confrontation, and stood ready to engage with the Spanish Government in forming a new relationship that would benefit Gibraltarians and their neighbours.

74. His Government also hoped to work with the Special Committee and the Fourth Committee to remove Gibraltar from the list of Non-Self-Governing Territories. The days when countries and regions could be handed over from one monarch to another without the consent of their people had ended long ago.

75. **Mr. Matthews** (Self-Determination for Gibraltar Group) said that the United Nations had stated on numerous occasions that all Non-Self-Governing Territories, including Gibraltar, had the right to self-determination. Therefore, he could not understand why the Committee appeared reluctant to either recognize that Gibraltar had been decolonized or explain what further steps must be taken.

76. Gibraltar had recently celebrated the twenty-fifth anniversary of its National Day, which also commemorated the 1967 referendum. Gibraltarians had paid a heavy price for exercising their democratic right, as Spain had closed its border and separated entire families. They had bravely stood up to the Spanish Dictator, and the Gibraltarian identity had been galvanized and strengthened.

77. Although Gibraltar had overwhelmingly voted against Brexit, as part of the British family it would leave the European Union. While some in Spain had seen Brexit as an opportunity to once again attack and intimidate Gibraltar, a more moderate party was now in power and had chosen a different approach.

Question of New Caledonia (A/C.4/73/5 and A/C.4/73/5/Rev.1)

78. **Mr. Germain** (President of the Government of New Caledonia) said that, with the implementation of the Matignon Accords and the Nouméa Accord, New Caledonia had experienced 30 years of peace, collaboration and economic and social development. Rebalancing initiatives had begun in 1989 in order to increase the representation of pro-independence sympathies. As a result, pro-independence parties governed two of the three provinces and 20 of the 33 communes. Rebalancing initiatives had also been undertaken with regard to the budget, public infrastructure and the economy. Pro-independence provinces had acquired a 51-per-cent share in the largest mining company in the country, as well as two metallurgical plants, one in New Caledonia and one in the Republic of Korea.

79. To promote recognition of the Kanak identity, the Government had created the Customary Senate, the Tjibaou Cultural Centre and an agency for the development of Kanak culture. In addition, there were customary judges in civil cases, the Kanak language and culture were being taught in schools and 51 per cent of private land had been redistributed to the Kanak people.

80. The transfer of power had allowed New Caledonia to govern itself. France maintained responsibility only for foreign affairs, judicial affairs, defence, public order and currency. With regard to foreign affairs, New Caledonia was still able to participate in regional and international forums, establish relations and bilateral accords with its neighbours and promote regional economic exchanges. In 2019, five delegates would represent New Caledonia within French embassies across Melanesia.

81. In the past 30 years, the gross domestic product had risen by 250 per cent to become the highest in the Pacific region, after that of Australia and New Zealand, and the employment rate had doubled. Caledonians now had priority in employment, and the minimum wage had been doubled. In addition, a vast social protection plan had been established to combat persistent inequalities. In education, the baccalaureate rate was now at 78 per cent, and an education project had been established in 2016 to address the needs of

young people who had emerged from the school system without qualifications.

82. The Government had launched an economic diversification plan to reduce its dependence on nickel, increase its holdings in agriculture and energy, and develop the tourism and export sectors. It had also established an independent authority to monitor competition and would replace taxes on imports with a value added tax. With regard to the environment, under the Paris Agreement under the United Nations Framework Convention on Climate Change, New Caledonia planned to reduce its greenhouse gas emissions by achieving exclusive reliance on renewable energy sources by 2030. The Government had also listed its exclusive economic zone as a national park.

83. A referendum on self-determination would be held on 4 November 2018. In preparation, all political forces had engaged in consultations to determine the date, the wording of the question and the electoral list. United Nations experts had aided in creating an inclusive and exhaustive list, which included 174,154 voters. Voters had been automatically registered, and those on the island of Grand Terre would be able to vote at special polling stations. Furthermore, voting procedures would be monitored by representatives of the Government as well as the United Nations. Every possible effort had been made to allow the people of New Caledonia to choose their future, and he hoped that pro- and anti-independence Caledonians could continue to live in peace and prosperity after the referendum. To that end, the main political powers had drafted two significant documents to highlight the aspects that united Caledonians: a charter of Caledonian values and an assessment of the Nouméa Accords, which would also serve to evaluate the path that had been taken and identify the work that still needed to be done.

The meeting rose at 6.15 p.m.

United Nations A/C.4/73/SR.4

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Held at Headquarters, New York, on Wednesday, 10 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr. ..... (Liberia)

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The meeting was called to order at 3 p.m.

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/73/23, A/73/70 and A/73/219)

Hearing of petitioners (*continued*)

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements. He reminded all speakers to observe decorum, refrain from personal remarks and limit themselves to the agenda items under consideration.

Question of New Caledonia (*continued*) *(A/C.4/73/5 and A/C.4/73/5/Rev.1)*

2. **Mr. Yanno** (Congress of New Caledonia) said that the French Government and the political parties of New Caledonia had done everything in their power to ensure that the forthcoming referendum on self-determination would be fully transparent and legal. Despite some claims to the contrary, the electoral rolls had been prepared with the utmost objectivity and in full compliance with the law, as had been confirmed by United Nations experts. In addition, the Government of France had requested the presence of experts on the day of the referendum to attest to its legality. Only 85 per cent of registered voters would be permitted to vote in the referendum, which reflected the willingness of anti-independence groups to compromise. Convinced that the people of New Caledonia would vote in favour of remaining part of France, he called on the Committee to respect the result of the referendum, recalling that independence was not an essential part of decolonization. Opponents of independence for New Caledonia hoped that the Territory would be removed from the list of Non-Self-Governing Territories while remaining part of the French Republic and that the United Nations would support it in that decision.

3. **Mr. Poadja** (Vice-Chair, Committee on Foreign Relations, Congress of New Caledonia), speaking on behalf of Calédonie Ensemble, the leading anti-independence political organization in his country, said that, following a period of turbulence, New Caledonia had entered a new era, thanks to the unwavering efforts of the local people and the French Government. Peace had been achieved, Kanak identity had been recognized and residents throughout the archipelago enjoyed the same quality of life. With the exception of sovereign competencies, New Caledonia was entirely self-governing. The forthcoming referendum placed all that progress at risk, however. He hoped that the people of New Caledonia would vote against independence, as it would help ensure that New Caledonians of all origins continued to live together peacefully and respectfully and would allow New Caledonia to continue to pursue its shared destiny with France.

Question of Guam (A/C.4/73/4 and A/C.4/73/4/Rev.1)

4. **Ms. Barnett** (Independent Guåhan) said that, despite 500 years of uninterrupted colonization, the Chamorro people were continuing to fight to protect their culture and restore their right to self-determination, in line with United Nations resolution 1514 (XV) and in the face of the continued militarization of the island by the United States Government, including of culturally important sites. All efforts to hold a plebiscite on the political status of Guam had ceased, however, since a court had ruled in 2011 in favour of a white American resident of Guam who had claimed that the refusal to allow him to register for the plebiscite, which had previously been open only to native inhabitants, violated his civil rights under the United States Constitution. The message that such a decision sent about the value that the United States Government placed on the Chamorro people was highly damaging. As the administering Power was using its Constitution to deny the Chamorro people the right to self-determination, she called on the United Nations to send a visiting mission to Guam and to hold the United States Government accountable regarding the decolonization of the Territory.

5. **Ms. Arroyo** (University of San Francisco's Pacific Islander Collective) said that she had come before the Committee to demand the right to self-determination for the people of Guam, which was essential if they were to be able to begin the process of healing from generations of colonial violence. The decision of the administering Power to construct a live firing training range complex at Northwest Field, overlooking the ancient sacred village of Litekyan, perpetuated the legacy of colonialism by preventing the indigenous people from accessing sites of ancestral importance. Furthermore, the United States Department of Justice had questioned whether the Chamorro Land Trust, which had been established in response to historic land theft to give Chamorro individuals the opportunity to lease land, discriminated on the basis of race or national origin, thereby threatening the continuation of the Trust.

6. As a people closely connected to their land, the Chamorro would continue to suffer as long as their land continued to suffer. She called on the United Nations to send a visiting mission to Guam and to continue to hold

the administering Power accountable in respect of the decolonization of Guam and the right to self-determination of its people.

7. **Ms. Na'puti** (Guâhan Coalition for Peace and Justice) said that the Committee should hold the administering Power of Guam accountable for achieving decolonization and upholding the right to self-determination, specifically by sending a visiting mission to Guam. Despite its declarations to the contrary, the administering Power did not respect the sovereignty of Guam, having continued to perpetuate acts of colonial violence, specifically militarization, which prevented the people of Guam from enjoying the right to self-determination.

8. The proposed construction of a live firing training range complex near Litekyan village posed a threat to important environmental, ancestral and historical sites. Furthermore, the planned destruction of a distinctive limestone forest would also contaminate the largest source of drinking water on the island. Such activities — which denied the Chamorro people access to sacred sites and threatened their enduring connection with their ancestors and heritage — violated General Assembly resolutions 1514 (XV) and 57/140 (2002), which called on the administering Power to eliminate all remaining military bases and ensure that any military arrangements did not run counter to the rights of the native people. She called on the Committee to adopt the draft resolution on the question of Guam (A/AC.109/2018/L.16); although the language contained therein had been watered down, it remained an important text.

9. **Ms. Munoz** (Pacific Islands Students Association of Diablo Valley College, California) said that military contamination posed a serious threat to the environment and people of Guam. Although the Andersen Air Force Base had long been scheduled for remediation, the process had still not been completed, and contamination had already been recorded underneath the Northern Guam Lens Aquifer, which was below the base. Since taking over ownership of Ordot landfill, the Government of Guam had invested over $200 million in efforts to close it, with no support from the Federal Government, despite it being responsible for contaminating the site and allowing those contaminants to spill into the surrounding waters. Furthermore, although there was evidence that the United States Government had used Agent Orange in Guam, it denied all responsibility.

10. As recognized by the Special Rapporteur on the rights of indigenous peoples, the indigenous governance systems of Guam had represented the native people for centuries in a manner in line with their cultures, traditions and values. The indigenous people — unlike the administering Power — had a profound connection to the island and would ensure that it was protected. She therefore urged the United Nations to send a visiting mission to Guam and to support Guam in its quest for self-determination and decolonization.

11. **Ms. Bordallo** (Famoksaiyan) said that it was time to put an end to the high rates of illness, incarceration, substance abuse and family violence that the people of Guam suffered as a result of 500 years of uninterrupted colonialism and United States nuclear testing activities. The Chamorro people had long understood that their well-being was inextricably linked to that of the island. Until the Japanese invasion of Guam, the Chamorro had been self-sustaining through traditional farming and fishing; that way of life had quickly been destroyed, however, leaving many Chamorros homeless or dependent on processed foods.

12. Given their high dependence on imported foodstuffs, policies such as the Jones Act, which required that all goods transported by water between United States ports be carried on United States vessels, made it increasingly difficult for Chamorros to survive on the island, a problem that was compounded by the presence of large numbers of military personnel and foreign workers. She requested that the Committee send a visiting mission to Guam to witness the cumulative impact of the United States military presence.

13. **Ms. Ganser**, speaking in her personal capacity, said that her identity as a Chamorro woman and her experience as a victim of intimate partner violence at the hands of a white United States citizen influenced her work to combat colonization, as war and sexual violence were twin pillars of dominance in dispossessed nations. Given the current political status of Guam, with its particularly high level of United States militarization, and the findings of the United Nations Entity for Gender Equality and the Empowerment of Women that, in modern conflict zones, it was often more dangerous to be a woman than a soldier, the Chamorro people feared that the rampant sexual violence seen around the United States military base in Okinawa, Japan, would soon appear in Guam, which already had the second highest rate of sexual assault in its administrative country, the United States of America.

14. Any solutions to the gendered violence witnessed in Guam must address the pervasive colonialism and racism in American society. The ownership exercised by the administering Power over Guam was antithetical to the egalitarian and matriarchal values of Chamorro culture and to the universal right to self-determination. She called on the Committee to conduct a visiting

mission to Guam to see first-hand the extreme nature of the dispossession experienced.

Question of the Turks and Caicos Islands (A/C.4/73/6 and A/C.4/73/6/Rev.1)

15. **Mr. Roberts** (Turks and Caicos Forum) said that the decision of the United Kingdom to abstain during the vote on General Assembly resolution 72/92, which set out requirements for administering Powers in the wake of a natural disaster in any Non-Self-Governing Territory under their control, was indicative of its approach to the Turks and Caicos Islands, which had been devastated by two hurricanes in 2017. The British Government had been grossly negligent in its response to natural disasters on the islands, having failed to build any retaining walls to shield against tidal waves or provide drones to check on citizens throughout the island chain. Furthermore, the Governor of the Turks and Caicos Islands refused to address the crippling levels of immigration that the Territory was experiencing, preferring instead to focus on trivial matters.

16. He called on the Committee to conduct a visiting mission to the Turks and Caicos Islands to witness first-hand the failure of the British Government. In the absence of adequate British involvement, the Turks and Caicos Forum was willing to act as a suitable liaison point to provide information on the situation on the islands following natural disasters. He also urged the Committee to dispense with the terms "administering Power" and "Dependencies", as Territories such as the Turks and Caicos Islands depended on the British Government for next to nothing, and the British Government played no role in administering the islands.

Question of Western Sahara (A/C.4/73/7 and A/C.4/73/7/Rev.1)

17. **Ms. Warburg** (Freedom for All) said that tens of thousands of Sahrawi refugees were being forcibly detained in camps run by the Frente POLISARIO and denied basic human rights. The Frente POLISARIO was repressing those it purported to represent and violently quashing all dissent. It also sold international aid for profit. Young Sahrawis with no other options were turning to unlawful trafficking operations or terrorism-linked enterprises for employment. Peaceful protests by groups opposed to the Frente POLISARIO were brutally quashed, and activists were harassed, tortured and imprisoned. Sahrawis in Western Sahara, however, enjoyed freedom of opinion, good-quality education and the right to vote and were involved fully in the economic and social development of the region through locally-developed policies, including on the management of natural resources for the benefit of the local population. Human rights groups and non-governmental organizations — even those opposed to the Moroccan State — operated freely. The credible and realistic plan for autonomy proposed by Morocco provided a solution to resolving the conflict and liberating the refugees in the Tindouf camps.

18. **Ms. Bahaijoub** (Family Protection) said that Sahrawis had formed an integral part of Moroccan society since before the Spanish colonization. The allegations of human rights abuses raised by the Frente POLISARIO were designed to garner support and distract from reality. Not only were all incidents of unnecessary use of police force documented, but the Moroccan Parliament had also recently adopted a new law on violence against women in both the public and private spheres. The real human rights abuses were being carried out by the Frente POLISARIO in the Tindouf camps. A Spanish association had recently reported to the Spanish Government on the abduction and confinement of dozens of Sahrawi women in those camps by members of the Frente POLISARIO and had called on European institutions to respond to such atrocities. Human Rights Watch had also raised concerns about the restrictions placed on Sahrawi women in the camps.

19. In contrast, Sahrawis in Western Sahara, including those critical of the Moroccan Government, were able to travel freely. Furthermore, as a result of the implementation of the Moroccan plan for autonomy, which had received bipartisan support from the United States Congress, Sahrawis were participating in the Moroccan Government as democratically elected officials at the local, regional and national levels.

20. **Ms. Stame Cervone** (Centrist Democratic International Women) said that numerous cases of rape by officials of the Frente Polisario against Sahrawi women had been brought before the Spanish courts. Reading from an article published on the website Futuro Sahara, she said that Sahrawi diplomats were exploiting the desperation of Sahrawi women by forcing them into performing sexual acts in return for favours, such as facilitating their studies. In addition to such exploitation, many residents of the Tindouf camps were victims of abduction, mass arrests and systematic torture in clandestine prisons.

21. **Mr. Rosemarine**, speaking in his personal capacity as an international lawyer, said that the Moroccan autonomy proposal was the most practical solution to the dispute. The proposal, which was fair, flexible and far-sighted, combined a large degree of self-determination with an emphasis on negotiations. It

aimed to build a modern, democratic society based on economic and social development. As such, it brought hope for a better future for the region's populations and promoted reconciliation, and would put an end to separation and exile. It also guaranteed that all Sahrawis, inside and outside the Territory, would play a leading role in the bodies and institutions of the Sahara region. The Sahrawis would run their affairs democratically and would have all necessary financial resources.

22. Morocco could be trusted to implement the proposal in a fair and responsible manner. The international community had witnessed the response of Morocco during the Arab Spring, when it had instituted lasting democratic reform and encouraged economic growth for the benefit of all, without any of the bloodshed seen in other countries. Morocco had given greater democratic freedoms to its entire people, with the result that an opposition party had been elected and remained in power. Furthermore, in 2015, the Organisation for Economic Co-operation and Development had praised the efforts of the Government to promote transparency, integrity and citizen participation.

23. **Mr. Nguyen** Manh Hung (Ho Chi Minh National Academy of Politics) said that autonomy had become widely accepted as a plausible and peaceful solution to territorial disputes. The International Academic Network for Autonomy was confident that the Moroccan initiative for the autonomy of the Sahara region was a feasible and realistic solution to the dispute. To support the initiative, the Moroccan Government was investing heavily in developing the social, economic and political life of the region. The initiative complied with the Security Council's approach to the peaceful resolution of disputes and with its wishes that neighbouring countries contribute to finding a realistic, practical and enduring political solution to what was a regional dispute, in accordance with its resolution 2414 (2018). He called on all parties to engage in negotiations to prevent any further suffering.

24. **Ms. Travieso Darias** (Asociación Canaria Juristas Por La Paz Y Derechos Humanos) said that, over the previous year, an increasing number of Sahrawis — not only human rights activists, but increasingly individuals involved in any efforts to promote socioeconomic development or the right to self-determination — were being subjected to illegal political trials. Journalists had been incarcerated, tortured and given severe sentences, and had seen their audiovisual materials confiscated, in order to erase all evidence of the war crimes committed by the Moroccan Government. In the previous month alone, she had witnessed the illegal trial of two journalists, which had been remarkably brief and at which no evidence had been presented to support the sentences handed down. That same day, the Moroccan Government had brutally quashed a peaceful protest in the occupied Territory. She had personally received threats from senior Moroccan officials, and two Spanish journalists attempting to attend an illegal political trial in the occupied Territory had been sent back to Casablanca and held in custody, while the Spanish embassy had done nothing to assist them. Morocco routinely used torture to extract false confessions and oppress the Sahrawi population, in direct contravention of the Geneva Convention (1929).

25. **Ms. Navarro** (International Association of Jurists for Western Sahara) said that, despite the many legal grounds for supporting the right to self-determination of the Sahrawi people, the stalemate in the dispute over the Territory persisted. As confirmed by the International Court of Justice and the Department of Legal Affairs, Morocco was an illegal occupying Power with no claim to sovereignty over Western Sahara. Both the Spanish National Criminal Court of Appeals and the United Nations had confirmed that Spain, as a colonial Power, still held responsibilities towards Western Sahara. Consequently, it was Spain, rather than Morocco, that should be considered the colonial administering Power for Western Sahara until the right to self-determination had been exercised.

26. The principle of the permanent sovereignty of peoples over their natural resources meant that all exploitation of such resources in Western Sahara should be conducted in line with the interests and wishes of the Sahrawi people, as had been confirmed by the Under-Secretary-General for Legal Affairs in 2002 and by the Court of Justice of the European Union in its 2018 ruling on the fishing agreement between Morocco and the European Union. Furthermore, the use of armed violence by Morocco against the Sahrawi people had escalated the situation in Western Sahara and violated the law of war. The international community needed to take action to put an end to the illegal Moroccan occupation and oblige Spain to uphold its responsibilities. Lastly, she paid tribute to Ahmed Boukhari, who, like many Sahrawis, had been denied the right to return to Western Sahara, even at the end of his life.

27. **Mr. Tahchi** (University of Sétif, Algeria) said that the decolonization of Western Sahara was inevitable. Morocco, which was using everything in its power to repress pro-independence thought, had been profiting from the resources of Western Sahara since its annexation, in particular its marine fish stocks and its underground phosphate reserves. The presence of the

United Nations Mission for the Referendum in Western Sahara (MINURSO) was of greater benefit to Morocco, as the hands of the Frente Polisario were tied by the cease fire agreements that MINURSO was there to enforce. The success of the next round of negotiations would depend on the level of representation. Until then, Morocco continued to benefit from the silence of the international community, whose inaction made it complicit in perpetuating another form of colonialism.

28. **Mr. El Khattat** (Dakhla-Oued Eddahab region in Western Sahara) said that he had been elected leader of the Dakhla-Oued Eddahab regional council through a popular election, the transparency of which had been confirmed by observers. He had witnessed in person the situation in the Tindouf camps, where thousands of Sahrawis were being violently repressed and exploited. In Dakhla region, conversely, regional affairs were managed by popularly elected Sahrawi officials. As in the rest of Morocco, popular elections were the only method of appointing public officials in the Saharan region. By participating *en masse* in those elections, the Sahrawis had demonstrated their desire to retain permanently their Moroccan identity and had rejected the notion of the Frente POLISARIO as their representatives. He called on the international community to assist the residents of the Tindouf camps and to support the Moroccan proposal for autonomy, which provided the only valid resolution to the dispute.

29. **Mr. Al-Jabari** (Palestinian Moroccan Society) said that the return of Morocco to the African Union was valuable, given the economic, political and spiritual status of Morocco and its role in combating terrorist and trafficking groups in the unstable northern Sahara region. Morocco continued to promote development through an approach based on mutual respect and shared benefits. King Mohammed VI of Morocco had also introduced an initiative to regularize the situation of the numerous African migrants living in the country.

30. In the report of its 31st summit, the African Union had confirmed that only the United Nations possessed a mandate to address the issue of Moroccan Sahara and that the African Union could do nothing to that end except support the Secretary-General and his Personal Envoy for Western Sahara. In its resolution 1754 (2007), the Security Council had welcomed the serious and credible efforts made by Morocco to ensure the autonomy of the Saharan provinces. Morocco had made great strides in all areas of public life, with a focus on ensuring the dignity of all citizens.

31. The Palestinian Moroccan Society rejected all comparisons between the situation in Moroccan Sahara and that of Palestine, given that the former was a case of territorial reunification, whereas the latter was a case of Israeli colonization.

32. **Mr. Deswaef** (European Coordination of Support for the Sahrawi People) said that, although certain European actors wished to disregard the Western Saharan cause, there was still a large solidarity movement in Europe. As confirmed by various United Nations resolutions, Morocco was an occupying Power. Moreover, it had never been officially recognized as the administering Power for Western Sahara. In light of the decision by MINURSO to exclude non-Sahrawis from the list of persons eligible to vote in a referendum on self-determination, it was important not to confuse the terms "Western Saharan people", namely the Sahrawi people, with "Western Saharan populations", which included Moroccan settlers.

33. In violation of General Assembly resolution 1514 (XV), Morocco continued to exploit the natural resources of Western Sahara, in particular its fish stocks and underground phosphate reserves. The European Union was complicit in that pillaging, as it had signed economic agreements with Morocco designed to encourage trade in agricultural and fishing products. Although the European Commission had held consultations in an attempt to comply with the recent ruling of the European Court of Justice confirming the inapplicability of such agreements to Western Sahara on the grounds that it was a separate entity, it had not permitted the Frente POLISARIO to take part. The United Nations had a duty to ensure that international law was upheld in respect of the Sahrawi people.

34. **Ms. de León Corujo** (Asociación Canaria de Juristas por la Paz y los Derechos Humanos (JUPADEHU)) said that Morocco continued to undermine judicial protection measures, violate international law and fail to provide procedural guarantees. In direct contravention of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the Universal Declaration of Human Rights, Morocco was using its court system to oppress the Sahrawi people, as MINURSO stood idly by.

35. One example of that repression was the conviction, in 2009, of 25 Sahrawi civilians by a military court for their alleged involvement in the Gdeim Izik protest camp. Such rulings were invalid, however, given that, according to the Under-Secretary-General for Legal Affairs, the Madrid Accord had not transferred sovereignty over Western Sahara to Morocco, nor had it conferred upon any of the signatories the status of an administering Power. Consequently, as Western Sahara could not be considered part of Moroccan territory, the rulings of the Moroccan judiciary were not applicable

therein. Nonetheless, the conviction against the 25 civilians had been upheld, despite the lack of evidence and the use of confessions extracted by torture. Sahrawi prisoners were frequently subject to torture and isolation and were denied the status of prisoners of conscience. She called on the international community to take action against the illegal occupation of Western Sahara and to ensure the application of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

36. **Mr. Mackay** (Instituto Peruano de Derecho Internacional y Relaciones Internacionales (IPEDIRI)), speaking as a professor of international law, said that, as the Sahara region was not a colonized land, it was wrong to speak of decolonization. The Security Council had never described Morocco as an occupying Power in the Sahara region; to claim that the region was under Moroccan occupation therefore implied that the Security Council endorsed such a situation. In addition, it implied that Morocco had used military force during an armed international conflict with an independent sovereign territory, which was not the case. Conversely, the Security Council supported a process of negotiation based on the Moroccan proposal for autonomy, which, having ruled out a referendum on self-determination, it backed as the best option for reaching a consensual solution to the dispute.

37. Decolonization and independence were wrongly viewed as interdependent. The General Assembly itself had set out four options for self-determination, namely integration, association, independence or any other freely agreed solution. Furthermore, as the Security Council was already examining the issue of the Sahara region, it should be withdrawn from the agenda of the General Assembly.

38. **Mr. Razama** (Chair of the Committee on Foreign Affairs and Defence of the Moroccan Parliament) said that before, during and after the colonization of Morocco, the Moroccan authorities in the Sahara region had always insisted on the need to preserve the country's original territorial integrity. In signing various international treaties, in particular the Act of Algeciras and the Franco-Moroccan Agreement on Moroccan independence, the French Government had demonstrated formally its desire to protect that integrity. In other bilateral agreements, France, Germany and the United Kingdom had also recognized the Moroccan Saharan region as being part of Morocco.

39. Morocco continued to suffer at the hands of former colonial powers and neighbouring countries. Thus far, the signatories of the Act of Algeciras, in particular France, had not upheld their obligations to guarantee the territorial integrity of Morocco. In addition, Spanish control over the Sakia El Hamra region was illegal, as the rights of Morocco over that region had been recognized internationally. Furthermore, in 1962 a neighbouring country had seized control of a then French territory which France had recognized as a legitimate part of Morocco.

40. **Mr. Mayara** (Member of the Moroccan Parliament) said that the Frente POLISARIO had recently celebrated publicly the military graduation of a new company of soldiers. It was clear from the video footage of the event, however, that those soldiers were children no older than 13 years. Although the Frente POLISARIO was willing to ignore the various international instruments designed to protect children, Morocco, as a signatory to those instruments, had a responsibility to ensure that they were upheld, as the offence was taking place within its territory. He urged the Committee to take the necessary measures to protect those children.

41. **Mr. Oublal** (Union General de Trabajadores de Saguia el Hamra y Río de Oro (UGTSARIO)) said that he wished to thank all States that had supported the Sahrawi people since the Moroccan invasion, in particular Algeria, which provided shelter and humanitarian assistance to many Sahrawis. The Sahrawi people continued to face many forms of oppression and injustice at the hands of the Moroccan authorities, including the suppression of peaceful demonstrations and the plundering of their natural resources. The international community must ensure that the Moroccan authorities were held accountable for their crimes against the Sahrawi people, who remained committed to enforcing their inalienable right to self-determination in accordance with international law.

42. Expressing appreciation to the Committee for its unwavering support in condemning the Moroccan occupation, he called on it to take urgent action to ensure that a free, fair and impartial referendum on self-determination was held; encourage the European Union to respect the rulings of the European Court of Justice regarding the exclusion of Western Sahara from all trade agreements with Morocco; end the plundering of the natural resources of Western Sahara; secure the release of all political prisoners; expand the MINURSO mandate to include human rights monitoring; and ensure that international observers and journalists were able to enter the Territory to witness the violations committed by the Moroccan authorities.

43. **Ms. Scholte** (Defense Forum Foundation) said that the referendum promised by the United Nations in return for agreeing to a ceasefire had still not been realized, as a result of the lobbying and bribery — including of United Nations officials — carried out by Morocco. The United Nations was sending a terrible message by rewarding the aggressive actions of Morocco while punishing the Sahrawis, who had placed their trust in the Organization. Not only did the Sahrawis continue to suffer — in the form of torture, imprisonment and disappearances, the plundering of their natural resources and the forced estrangement of refugees from their homeland — but the Moroccan people also suffered, as resources that could be spent on development were instead used to support the illegal occupation of Western Sahara.

44. Resolution of the conflict would bring stability to the Maghreb, demonstrate the commitment of the United Nations to peaceful advocacy and the rule of law and allow the establishment of a democracy in Western Sahara that upheld the Universal Declaration of Human Rights. Even if the United Nations did not choose to hold a referendum, it should urge Morocco to end its illegal occupation of Western Sahara.

45. **Mr. Assor** (Surrey Three Faiths Forum) said that none of his past illustrations of the tragic plight of those incarcerated for over 40 years in the Tindouf camps, with its emotional, physical and psychological repercussions, had prompted decisive action by the Committee to address what he termed a murderous calamity. Calling for the closure of those dreadful camps, he urged the Committee to reflect on the latest proposal presented by King Mohammed VI of Morocco, which had been hailed as the most advanced yet for ending that calamity and bringing hope of a brighter future to the families in Tindouf, thereby helping the children of the camps avoid being exploited as drug mules or as cannon fodder for Sahel terrorist groups.

46. **Mr. Lygeros**, speaking in his personal capacity, said that the Frente POLISARIO had made a strategic error by attempting to use the justice system in its favour. Rather than halting the development of the southern provinces of Morocco and reinforcing the legitimacy of the Frente POLISARIO as the representative of the Saharan people, that strategy had backfired, as the European Court of Justice had stated explicitly that the Frente POLISARIO did not represent the Saharan people. Not only was the Frente POLISARIO no longer able to legitimately make that claim, appearing as it did to be merely the puppet of an invisible State, but other States that had been in a position to support the Frente POLISARIO were withdrawing their support for fear of jeopardizing their own foreign policy.

47. **Mr. Tamek** (Provincial Assembly of Assa-Zag) said that, for every day that the deadlock on the question of Western Sahara continued, more time and resources were being wasted and the thousands of Sahrawi families dispersed throughout the region and in camps continued to suffer. The two States involved in the dispute were engaged in a costly and senseless arms race, because of the obsession of one of those States with amassing weapons of destruction, to the detriment of the Sahrawi people who were left without drinking water or basic foodstuffs. Despite being surrounded by States that sought only peace and security, that State sought to prolong the status quo, having chosen to make the question of Western Sahara an obstacle to the development of neighbouring countries. It sought to be recognized as a regional leader, yet it possessed none of the necessary leadership qualities.

48. As the conflict had been imposed on Morocco, it was right that it participated in the negotiations organized by the Secretary-General's Personal Envoy for Western Sahara. If real progress was to be made, however, the powerless Frente POLISARIO needed to be excluded from the negotiations and the country that had engineered the conflict should be engaged instead.

49. **Ms. Njapau** (Zambia-Israel Initiatives) said that, although the right to self-determination of the Sahrawi people was supported by the Charter of the United Nations and by international law, the practice of implementing that principle had varied from case to case. One example of a flexible approach to the principle was the serious and credible solution set out in the 2007 Moroccan proposal for autonomy, which would promote the development of the Sahara region while permitting the Sahrawi people to manage their own affairs in a democratic manner. Having been discussed with local representatives during an inclusive process of consultations, the initiative would provide the Sahrawi people with the financial resources required to enable them to participate actively in the economic growth and social welfare of the region. It was time to move away from the dogmatic ideologies that stood in the way of achieving a fair, lasting and practical solution.

50. **Mr. Lippiatt** (WE International) said that Morocco had continuously oppressed the Sahrawi people through arbitrary arrests, enforced disappearances, attacks on civilian population, systematic persecution and the violent oppression of peaceful demonstrations, in addition to the rape, abuse and humiliation of Sahrawi women in the occupied territory of Western Sahara. It was therefore essential that the mandate of MINURSO be extended to human rights monitoring, in particular given that the Moroccan National Council on Human Rights could not be relied

upon to fulfil that role. He urged all countries, in particular France, the supposed birthplace of human rights, to support that mandate.

51. Furthermore, the inaction of the Moroccan Government in response to documented cases of Sahrawis being tortured, denied education or employment and prevented from practising their traditional nomadic lifestyles was clear cause for referring it to the International Criminal Court for crimes against humanity. The continued stalemate and the lack of action by the international community allowed the continuation of human rights violations and the exploitation of Western Sahara and confirmed the beliefs of critics that the United Nations was unwilling to resolve the issue.

52. **Mr. Grosdidier** (French Senate) said that the status quo in Western Sahara and the failure to recognize its Moroccan character was harmful to the population, the security of the Sahel and Sahara regions, the prosperity of the people of the Maghreb and the security of its European neighbours. Morocco had a historical claim to the region. At the time of French colonization, the vast majority of tribes in the southern region had pledged allegiance to the King of Morocco. The failure to see that relationship as a political, as well as religious, relationship was to misunderstand the nature of allegiance in Muslim Arab culture. The refusal to recognize the Moroccan identity of the region stemmed from the partitioning of the territory by the colonial Powers and from the cold war, which had confused a national cause with an imperial cause.

53. There was no excuse for excluding any of the current inhabitants of the Sahara region from participating in the democratic process. The Moroccan proposal for autonomy addressed the democratic aspirations and development needs of the Saharan population in a manner that respected their identities. It would also assure the security and stability of the region, which was far too vast to be controlled by an independent nation with such a small population. Morocco, conversely, played a leading role in combating terrorism and ensuring the stability of the Saharan provinces and the wider region. The continued division between Morocco and the Sahara region damaged economic growth and denied young Sahrawis many opportunities. A unified Maghreb was essential to both the stability of Europe and the prosperity of Africa.

54. **Ms. Basinet**, speaking in her personal capacity, said that she had come before the Committee to fight for self-determination and to offer support to those who stood on the frontlines of a media and cyber warzone. The intellectual property of the Saharan people, who were engaged in a self-determined path of peaceful resistance, was being exploited by commercials, celebrities and brands. Such tactics had brought the world to the brink of government by corporation, in which businesses changed laws and ignored people in pursuit of profit. All individuals, the Saharan people included, deserved the chance to make a living off their creativity. A minority was diverting the income and solutions of the majority to promote their films, commercials and brands. In that same vein, in Western Sahara, phosphate was plundered, crops grown and wind and solar farms constructed without any compensation being paid to the local people. The ability of that people to withstand the inhospitable climate of the Sahara desert for so many decades was a testament to their strength. Everybody suffered as a result of corporate greed and the diversion of income and solutions. In the cyber and media age, women were on the frontlines of a warzone, in which the weapon was not rape, but rather facial recognition, fake algorithms and sexualization.

55. **Mr. Olafsson**, speaking in his personal capacity, said that, as part of its reform process, Morocco was strengthening democratic institutions and civil society, addressing social equity and human development and extending the mandates of independent national institutions charged with fighting corruption and protecting human rights. It was also working to improve economic growth and create job opportunities, in particular for young persons, including in the Sahara region. As a result of major infrastructure investment, the Sahara region was now one of the most prosperous in North Africa.

56. Spurious claims had been made that Morocco was exploiting the natural resources of the Sahara, but Morocco had a legal claim to those resources, as that region was part of Moroccan territory. Furthermore, Morocco was investing the revenue from such resources back into the Sahara region, in consultation with the local population, as had been confirmed by the European Court of Justice and the European Union. Such investment was part of the Moroccan development model for the southern provinces and the advanced regionalization that Morocco sought to make successful.

57. **Mr. Björnsson**, speaking in his personal capacity, said that, in line with its Constitution, Morocco was pursuing a programme of advanced regionalization designed to achieve development in all areas of the country, including in the region of Moroccan Sahara. The Moroccan Economic, Social and Environmental Council had developed a detailed proposal for a new environmentally sustainable and socially equitable growth model for the Sahara region with the aim of creating wealth and employment, in particular for young

people. The project was based on the active participation of citizens in order to ensure that all parties benefited equitably from the resources of the Sahara. The key objective was to promote the diversification of local businesses in order to encourage private initiatives and social economy. As learned from experiences in the Arctic, autonomy was necessary in order to promote economic development while avoiding societal disruption. Ensuring financial autonomy was therefore an important step in consolidating the effective management of the Sahara region. Economic reform, improved energy security, greater access to education and improved communication infrastructure were essential to securing a brighter future for young Moroccans.

Statements made in exercise of the right of reply

58. **Mr. Sylvester** (United Kingdom) said that his Government had sovereignty over Gibraltar and the waters surrounding it and that, as a separate Territory recognized by the United Nations and included since 1946 on its list of Non-Self-Governing Territories, Gibraltar enjoyed the rights accorded to it under the Charter of the United Nations. The people of Gibraltar enjoyed the right to self-determination. The 2006 Gibraltar Constitution, which had been endorsed by referendum, provided for a modern and mature relationship between Gibraltar and the United Kingdom.

59. The United Kingdom reiterated that it would not enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another State against their freely and democratically expressed wishes; nor would it enter into a process of sovereignty negotiations with which Gibraltar was not content. His Government was committed to safeguarding Gibraltar, its people and its economy, and the governments of the United Kingdom and Gibraltar remained firmly committed to the Trilateral Forum for Dialogue as the most credible, constructive and practical means of strengthening relations among the United Kingdom, Gibraltar and Spain for the benefit of all parties. His Government regretted that Spain had withdrawn formally from those talks in 2011.

60. Gibraltar had a vigorous parliamentary democracy of its own and was responsible for everything apart from foreign affairs, defence and internal security. It was still the position of his Government that the fundamentals of the constitutional relationship were correct, although it was open to a dialogue on proposals put forward by Gibraltar. His Government, refuting the allegations that the United Kingdom had illegally occupied the isthmus and surrounding waters, pointed out that under international law, as established by the United Nations Convention on the Law of the Sea, territorial waters flowed from sovereignty over the land. Therefore, it followed inexorably that the State which was sovereign over the land, as in the case of the United Kingdom, was also sovereign over the territorial waters out to three nautical miles or to the median line.

61. His delegation would continue to uphold British sovereignty and use a range of proportionate naval and diplomatic responses to illegal incursions by Spanish State vessels into British Gibraltar territorial waters. The Gibraltar government would continue to cooperate fully with the European Commission and the Code of Conduct Group in relation to one aspect of its tax regime, with support from the Government of the United Kingdom. He was confident that the Gibraltar tax regime would be found to comply with all applicable European Union and international standards. The European Commission had recognized the commitment that the Gibraltar government had made to tackle cigarette smuggling between Gibraltar and Spain, as well as the significant steps that it had already taken. The Gibraltar government had repeatedly made clear its desire to work more closely and directly with its Spanish counterparts to deal with the issue.

62. The governments of the United Kingdom and Gibraltar stood ready to engage with Spain to establish new and deeper forms of cooperation to address issues of mutual importance in the wider region through dialogue that fully reflected the wishes, interests, rights and responsibilities of the people and government of Gibraltar.

63. **Mr. Santos Maraver** (Spain) said that there was a clear contradiction at the heart of the position articulated by the representative of the United Kingdom. If Gibraltar were not a colony, it would not have been included on the list of Non-Self-Governing Territories since 1946. Moreover, as it was a colony, the United Kingdom had effectively addressed the Committee, asserting its responsibility over the Territory, in its capacity as colonial Power. The fact that Gibraltar remained a colony justified the Spanish position, which was based on the stipulation in General Assembly resolution 2353 (XXII) that any colonial situation which partially or completely destroyed the national unity and territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. Furthermore, by failing to acknowledge the legal basis of British sovereignty over Gibraltar, namely, the Treaty of Utrecht of 1713, the United Kingdom lay claim to rights never acquired legally under that treaty, such as the right to sovereignty over territorial waters. Spain had ratified the United Nations Convention on the Law of the Sea on the clear

understanding that that instrument was not applicable in the case of Gibraltar, as a Territory undergoing a decolonization process governed solely by the relevant General Assembly resolutions.

64. The new situation that had arisen as a result of "Brexit", the decision by the United Kingdom to leave the European Union, made negotiations aimed at determining the legal status of Gibraltar — a colony of the United Kingdom inside European Union territory — all the more urgent. The stipulation in the European Council draft guidelines of 29 April 2017, according to which no agreement between the European Union and the United Kingdom might apply to the territory of Gibraltar without the agreement of the Kingdom of Spain and the United Kingdom after the United Kingdom left the Union, underscored that urgency. Failing to reach an agreement would directly affect the people on both sides of the border. As stressed by his delegation the previous day, Campo de Gibraltar and Gibraltar were at serious risk of economic collapse and, if that were to happen, further negotiations would be impossible.

65. Reiterating his Government's readiness to negotiate and reach short- and long-term agreements, he highlighted the direct link between the situation created by Brexit and the initial matter of British sovereignty over Gibraltar, which had been the result of military occupation, the expulsion of the original population and the subsequent consolidation of an illegal situation.

The meeting rose at 5.55 p.m.

United Nations A/C.4/73/SR.5

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Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 11 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr ..... (Liberia)

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The meeting was called to order at 3.05 p.m.

Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Hearing of petitioners

Question of Western Sahara (continued) (A/C.4/73/7 and A/C.4/73/7/Rev.1)

1. **Mr. Tommo Monthe** (Cameroon) proposed that the Committee should further defer its consideration of the requests for hearing from Mr. Ikome Sako (Africa Solidarity for Sahrawi) and Mr. Ayong Ayim (Living Stories and Memories).

2. *It was so decided.*

3. **Mr. Pinto Leite** (International Platform of Jurists for East Timor) said that the Court of Justice of the European Union in 2016 and 2018 had ruled that an agricultural trade agreement between Morocco and the European Union could not apply to goods originating from Western Sahara, that a fisheries agreement between Morocco and the European Union could not include the waters off Western Sahara, and that Morocco had no sovereignty over Western Sahara and its waters. Yet in July 2018, the European Council had approved the incorporation of Western Sahara into trade protocols between Morocco and the European Union, and the European Commission had explicitly included Western Sahara in a fisheries agreement with Morocco. Members of his organization from diverse countries with different legal systems had been dismayed at the reaction of the European Union to the decisions of the European Court of Justice.

4. The Court had been clear that self-determination was considered a legally enforceable right *erga omnes* by the International Court of Justice and that it was therefore enjoyed by the people of Western Sahara, there being no tie of territorial sovereignty between Western Sahara and Morocco. Furthermore, the European Court of Justice had referenced General Assembly resolution 34/37, which considered Western Sahara to be an occupied Territory, not a part of Morocco and the Frente POLISARIO to represent the people of Western Sahara. In their agreements, the European Commission and the European Council had thus violated European and international law. Morocco was no more than an occupying Power that must withdraw from Western Sahara.

5. **Ms. Lenz** (International Faith and Peace Dialogue) said that over the previous 19 years she had been an eyewitness to the situation in the Tindouf refugee camps. The right of the Sahrawi people to a referendum on its future status was undebatable, as it had already won that right through affirmations by the International Court of Justice and the United Nations. The referendum must therefore take place to address the needs and tragic living situation of the Sahrawi refugees, as well as to adhere to international law and the United Nations goal of eradicating colonialism. While the right to a referendum was a legal matter, the integrity, honour and dignity of the Sahrawi people further demonstrated its worthiness of that right.

6. **Mr. Cameron** (World Action for Refugees) said that it was the inaction of Member States that made them accountable for the injury caused to the population of the Tindouf camps. A final political solution could be achieved through the Moroccan autonomy initiative to guarantee good governance and the fundamental rights of the population, but such an outcome was being hindered as the parties involved continued to defer seeking a solution. Moreover, immediate relief in the form of aid and supplies was obstructed, as such goods were stolen before they even reached the camps.

7. There was a simple roadmap to solve the stalemate. A census should be conducted to define the true number of refugees and the proper amount of food, medical and other supplies needed. Algeria and the camp authorities should demonstrate that they acted in the best interest of the refugees by safeguarding the supplies and mercilessly cracking down on the racketeers who were cold-heartedly embezzling them. The camp dwellers should then be allowed to re-settle freely in the society of their own choosing after being provided with objective information, free from ideological undercurrents, on the prospects and conditions awaiting them.

8. **Ms. Windsor Smith** (The Potomac School) said that the Committee must take appropriate steps to ensure that the United Nations Mission for the Referendum in Western Sahara (MINURSO) was able to fulfil its mandate and hold a referendum on self-determination for the people of Western Sahara. Despite over 65 United Nations resolutions and promises by the Organization to guarantee that fundamental freedom to the Sahrawi people, no referendum had yet been held, mainly owing to the intransigence of the Moroccan Government and its failure to abide by its commitments to the United Nations Settlement Plan. The International Court of Justice had found that Morocco had no sovereignty over Western Sahara. Nonetheless, Morocco had illegally occupied the Territory since 1975, undermining the rule of law. Meanwhile, Sahrawis lived in heart-wrenching conditions, exiled from their homeland and separated from their families.

While the Moroccan Government was stealing the natural resources of Western Sahara — to which several judicial decisions worldwide had underscored that Morocco had no right —, food supplies in the Sahrawi refugee camps were dwindling, even though the refugee dilemma had a clear and attainable solution. Taking immediate action to ensure that MINURSO fulfilled its mandate was crucial to protecting the rights and the culture of the Sahrawi people, the international community's commitment to self-determination and the credibility of the United Nations.

9. **Ms. Abba Hemeida**, speaking in her personal capacity as a freelance Sahrawi writer and journalist, said that the case of Western Sahara illustrated that the price of freedom for the press had become too high. Not only had Morocco violated the fundamental right to freedom of expression, it had also imprisoned and tortured Sahrawi and Moroccan journalists who had attempted to write truthfully about Western Sahara and it had engaged in censorship by preventing international journalists from entering the Sahrawi capital, all in an attempt to conceal its human rights violations from the global community. Protecting journalists everywhere and freedom of expression for the press and for citizens was vital.

10. **Ms. Dehbi Talbot**, speaking in her personal capacity as a filmmaker, said that like most North Americans, she had previously been largely unaware of the existence of Western Sahara, its claims for independence and the plight of the Sahrawi people. The promise of a referendum was reinforcing the proud identity of the younger generation of Sahrawis, and there was great hope and faith in a free Western Sahara. Many powerful institutions and countries had been aware of the situation there for years. The response should be to shed light on the Sahrawi battle for freedom, suffering, dignity and courage, as telling people's stories contributed to the achievement of a fairer world, without walls, camps or censorship. Nonetheless, many Sahrawi people lacked the tools needed to share their experiences. Such tools should be provided by the United Nations to allow them that opportunity.

11. **Mr. Sghayer**, speaking in his personal capacity as a Sahrawi activist, said that, even though the Baker Plan had stipulated that all Western Saharan prisoners of the Moroccan occupying forces be released, many Sahrawi families were still waiting to find out the fate of their loved ones. For its part, the Equity and Reconciliation Commission refused to investigate where those who had died were buried or who was directly responsible for their deaths. All the same, the names of the Moroccan butchers in the Royal Gendarmerie, Army, General Intelligence and Judicial Police were known: Saleh Zemrag, Housni Benslimane, Alaraby Harriz, Garawani Jatti. More than 25 years after the ceasefire and the launch of the United Nations peace process, the families of the victims and the Sahrawi people generally were still awaiting justice and above all the right to self-determination and independence.

12. **Mr. Fall**, speaking in his personal capacity on behalf of the civil society of Western Sahara, said that the economic aspect was a vital element of the occupation of Western Sahara, given the Territory's formidable economic production. The economic situation and living conditions of the Sahrawi people had deteriorated significantly since Morocco had supplanted Spain as occupier, with income per capita declining by 75 per cent between the 1970s and the 1990s. Sahrawis remained at the mercy of a systematic campaign to impoverish the Territory and keep its inhabitants economically dependent. Development as commonly understood would entail investments in health, education and infrastructure – benefits that remained inaccessible to Sahrawi youth, many of whom were forced to travel thousands of kilometres from home to study in Morocco, their suffering compounded by the exclusion and racism to which they were subjected there.

13. By contrast, the so-called development championed by the Moroccan occupier and its collaborators amounted to little more than investment in the military and security sectors and settlement campaigns aimed at altering the demographic landscape. The indigenous inhabitants of the Territory had thus become a minority in their own land, amounting to a mere 35 per cent of the population in occupied Laayoune, 19 per cent in occupied Dakhla and 33 and 19 per cent in the cities of Boujdour and Smara, respectively. The occupation had also succeeded in stamping out independent economic activity among Sahrawis, who had been earning their livelihoods for centuries.

14. Sahrawi civil society called on the international community to compel the occupying Power and France, its political ally, to comply with international resolutions concerning the Sahrawi people's right of self-determination. The international community must also act to ensure respect for the human rights of Sahrawis and protect their natural resources from further plunder.

15. **Mr. Fadel**, speaking in his personal capacity, said that he and his fellow Egyptians shared a great deal in common with the Sahrawi people, as both peoples had risen up against injustice, defending the very principle

of self-determination championed by the United Nations. After emerging victorious from its struggle against the despotic rule of Hosni Mubarak, the Egyptian people had elected a Government, which had been subsequently overthrown; the international community had then dashed the Egyptian people's hopes by endorsing the leaders of the murderous coup.

16. In similar fashion, the Sahrawi people's faith in the United Nations had been betrayed; despite its engagement in the Organization-led peace process, the plunder of natural resources and illegal investments in the occupied Territory of Western Sahara persisted. Meanwhile, Sahrawis continued to face unemployment and marginalization, and Sahrawi refugees, many suffering from malnutrition, eked out an existence, reliant on international largesse.

17. From the initial betrayal by Spain, which had sold the Territory in exchange for Ceuta and Melilla, to the support of the United States of America for Morocco in its construction of the shameful berm and to French threats to veto a Security Council vote on self-determination, the people of Western Sahara had fallen victim time and again to the interests of powerful States. In closing, he stressed that no State recognized Moroccan sovereignty over Western Sahara and urged the United Nations to uphold its promise to enable the Sahrawi people to exercise its right to self-determination and independence.

18. **Mr. Ahmed**, speaking in his personal capacity, said that the people of Western Sahara continued to suffer under military occupation and in exile, even though decades had passed since the adoption of General Assembly resolution 1514 (XV); the placing of Western Sahara on the list of Non-Self-Governing Territories; and the ruling by the International Court of Justice that there was no tie of territorial sovereignty between Western Sahara and Morocco. In its failure to implement resolutions and fulfil the objective of eradicating colonialism, the United Nations and the Fourth Committee had become a source of disappointment rather than hope for the people of Western Sahara. The decolonization process had still not ended in Western Sahara, and the United Nations was doing close to nothing. The people of Western Sahara was entitled to its inalienable right to freely determine its political future.

19. **Ms. Ramos** (American Association of Jurists) said that Western Sahara was a Non-Self-Governing Territory illegally occupied by Morocco since 1975. The International Court of Justice had at the time rejected the sovereignty claims made by Morocco over the Territory; and various legal opinions on Western Sahara issued in the ensuing decades by the United Nations and the European Court of Justice had condemned the exploitation of the Territory's natural resources without the consent of its people, represented by the Frente POLISARIO, as a usurpation of its legitimate rights.

20. As a colonized people, the Sahrawis had the inalienable right to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). Her organization endorsed the 1990 United Nations Settlement Plan for Western Sahara and the framework for a referendum on self-determination and decolonization. The United Nations had the primary responsibility for Western Sahara, for it was the only Territory without an internationally recognized administering Power. As the occupying Power continued its refusal to integrate a human rights component into the mandate of MINURSO, it was crucial to resume the technical missions initiated in 2015 by the Office of the United Nations High Commissioner for Human Rights. It was only through the implementation of the resolutions on holding the referendum on self-determination that decolonization of the Territory could be achieved and peace, security and development in region could be safeguarded.

21. **Mr. Lehbib** (Sahrawi Association for Human Rights) said that the Moroccan invasion had forced thousands of Sahrawis, including his family, to flee their Territory and seek refuge in neighbouring Algeria. Those who had been unable to flee had been suffering under the brutality of the Moroccan regime for over four decades. The Fourth Committee had adopted several resolutions condemning the illegal occupation and forcible annexation of his country by Morocco in 1975, and yet it had still not fulfilled its obligations to the people of Western Sahara. The United Nations had failed to keep its promises; MINURSO staff had not fulfilled their primary mandate of organizing the referendum on self-determination; and United Nations resolutions had not been enforced. The prevalence of sorrow and trauma in the world did not reflect the aspirations of the United Nations. The Sahrawi refugee camps were among the most inhospitable places in the world. His generation had been born in the camps and waited, with growing frustration, for the United Nations to allow it to express the fundamental right to self-determination. The unchanging position of the Organization was causing young Sahrawis to lose faith in peace and diplomatic channels; they believed that the time to act was now.

22. **Mr. Cisse**, speaking in his personal capacity as a former Malian diplomat, said that that the region of which Morocco was a part faced a number of challenges due to the immensity of the Sahara, the relative fragility

of certain States there and the harmful effects of climate change. The threat of terrorism and violent extremism, as well as cross-border crime and all types of trafficking, added to the region's vulnerability and hindered any kind of development. Morocco had established comprehensive and appropriate responses to such threats and challenges, on both the domestic and national levels. Its longstanding internal stability and extensive network of diplomatic contacts had allowed Morocco to invest in the stability of the region, in terms of both security and development. It had carried out humanitarian operations, most recently in Mali, Congo and South Sudan, and contributed to peacekeeping missions across Africa, starting in the Congo in 1960.

23. In an innovative and radical approach to combating terrorism, a programme had been set up to train imams in the practice of a moderate, tolerant Islam open to the modern world and consonant with the rule of law; currently 500 Malian imams were being trained in Morocco, as were many from several other African and European countries. Promoting development, Morocco had generously shared its know-how by signing over one thousand agreements with African countries that emphasized capacity-building and the solidarity economy, aiming to make the region a platform for development, prosperity and cooperation. The internal stability of Morocco would permit the country to continue to play a leading role in stability and development beyond its borders. Once the thorny question of Western Sahara had been resolved on the basis of the autonomy proposal it had put forward, Morocco could become even more active in the advancement of the region.

24. **Ms. Thomas**, speaking in her personal capacity as the former official in charge of legal affairs for MINURSO, said that she was able to certify that there was no reason why a referendum on self-determination could not have taken place in 2000, or why it could not take place now. Morocco was illegally using the resources of Western Sahara, and declaring the Territory to be part of Morocco, referring to it as its Southern Provinces in its laws, its proclamations to its citizens and its treaties with other nations. It used the resources without any attempt to obtain the approval of the people of the Territory, and often labelled products from the region as coming from Morocco. The plundering of phosphates, fishery and agricultural products and other resources went against the basic principles of international law as set forth by the International Court of Justice, the United Nations Office of Legal Affairs and various international conventions. The recent legal action taken by the people of Western Sahara to assert its rights under international law should not be necessary. The Committee had the power and the responsibility to stop the illegal activity by demanding that Morocco grant the people its right to self-determination and cease to use the resources of Western Sahara without its consent. It was incomprehensible that the Committee had permitted Morocco to get away with its duplicitous position for so long by failing to take a stand against its actions. The Security Council, members of which were trying to bludgeon the people of Western Sahara into accepting a system it did not want, must be told to organize the referendum that was promised thirty years earlier by the United Nations to allow the people to exercise the right to self-determination by freely choosing its future.

25. **Ms. Huff** (Teach the Children International) said that according to the European Anti-Fraud Office (OLAF) report released in 2015, copious amounts of humanitarian aid intended for Sahrawis living in the Tindouf refugee camps had for years been diverted at various junctures by and for the benefit of known Frente POLISARIO leaders. She herself had had first-hand knowledge of the blatant abuse since 1999. A few simple steps to stop the theft of humanitarian aid, taken early on, would have sufficed to settle the issue of Western Sahara soon after its inception.

26. With international interest in the issue dwindling and the composition of the Tindouf camp population changing as a result of porous borders, reining in those involved in the web of rampant humanitarian aid diversions that now reached across North Africa might prove impossible. She therefore implored the Committee to conduct a long-overdue headcount of Tindouf camp residents, because inflated estimates only encouraged theft, and to closely monitor all humanitarian aid destined for the camps. In a recent statement, the Office of the United Nations High Commissioner for Refugees (UNHCR) had acknowledged the importance of carrying out official registration of the Tindouf camp population.

27. Noting that the money and energy required to maintain the status quo on Western Sahara exceeded the effort needed to end the present impasse, she stressed that the Moroccan autonomy initiative offered the simplest and swiftest means of resolving the issue once and for all.

28. **Ms. Eads** (Capitol Hill Prayer Partners) said that over the previous 10 years, she had taken up the cause of the Sahrawis living in the Tindouf refugee camps and in Western Sahara. She shared the concerns expressed in the Secretary-General's 2016 report (A/71/224) regarding camp conditions, the disillusionment of the youth and the helplessness born of years of protracted

conflict. The circumstances made Sahrawi young people vulnerable to the lure of such clandestine activities as arms smuggling and embracing terrorism as a way of life.

29. As part of her advocacy for the Sahrawi people, she had encouraged United States Government officials to push for a peaceful resolution to the question of Western Sahara and to become active on behalf of a people unable to speak for itself. Many had taken an interest in the issue and were looking to the United Nations for guidance. While the Organization had invested considerable time and resources to bring an end to the separation of families and children, further progress towards a resolution through a referendum that had been hindered, among other reasons, by the refusal by the Frente POLISARIO to allow the mandated census in the camps, had been deemed impracticable by the Security Council. She therefore urged the Committee to consider the Moroccan autonomy initiative, which had been characterized by the Security Council as a reliable, serious and credible option and as a form of self-determination for the people of Western Sahara.

30. **Ms. Mohamed-Lamin** (NOVA Western Sahara), speaking in her personal capacity as a Sahrawi woman born in the Tindouf refugee camps, said that she and thousands of other Sahrawis had long nursed a dream to determine their own fate. Her people, the most peaceful people in the world, had been dehumanized and lied about by persons who had yet to set foot in the refugee camps. As a result of the illegal occupation of her land and rampant prevarication, refugee status — the worst status possible — had been forced on Sahrawis.

31. Entire generations of Sahrawis had painstakingly cultivated a patience and a devotion to peace that, she feared, would eventually wear thin. Those who asserted that autonomy within Morocco would suit the Sahrawi people best should leave that decision to Sahrawis, who alone had the right to choose their political future and whose opinion was the only one that counted. The French President, the King of Morocco and all others contributing to Sahrawi suffering should take note: the Sahrawi people would never give up, and its voice would continue to be heard.

32. **Ms. Sams** (Antioch Community Center), recognizing the many worthy efforts made by the United Nations to seek a peaceful resolution to the question of Western Sahara, said that she had witnessed the impoverished state in which the inhabitants of the Tindouf refugee camps lived. For the sake of those people, she called upon the Committee to act more quickly and consider different options to settle the issue, in the light of recent changes that affected regional security. The current leadership of the Frente POLISARIO was collaborating with rogue nations and groups infiltrating the area in and around the Tindouf camps. It was imperative for the Committee to bear in mind that the unresolved Western Saharan issue might become a magnet for countries and leaders with an agenda of war and destabilization. Priorities must change along with times and circumstances, and the immediate priority should be to arrive at the safest and best solution, namely, the Moroccan autonomy initiative.

33. In addition, she requested the Committee to formulate a comprehensive data-collection plan for those who lived in the Tindouf camps. There was a long-standing resistance to allowing anyone not in the Frente POLISARIO to be privy to the number of people in the camps; the lack of transparency concerning the number of humanitarian aid recipients undermined the credibility of the Frente POLISARIO. Providing a headcount of camp residents would demonstrate good faith on the part of the Frente POLISARIO and indicate its desire to resolve the issue as quickly as possible.

34. **Mr. Huff** (Safety and Security Instructional Services), speaking in his personal capacity as a seasoned professional in the field of security, said that the question of Western Sahara had been considered the concern of a remote area of North Africa and therefore of little consequence to the rest of the world. However, in May 2018, when military intelligence sources reported that Hizbullah had provided surface-to-air missiles to the Frente POLISARIO and were training Frente POLISARIO military in the Tindouf camps, it became clear that the unresolved question posed a major security risk to the region. Morocco had promptly severed ties with the countries supporting the Frente POLISARIO.

35. According to the Begin-Sadat Center for Strategic Studies, Hizbullah supporters purposely sought out such discontented groups as the Tindouf Sahrawis to indoctrinate them in terrorist ideology and use them to establish rear bases for Hizbullah activism. One European agency found collaboration between Hizbullah and drug cartels and other smuggling organizations in North Africa. By 2017, as many as 100 militants from the Frente POLISARIO were reported to have joined terrorist groups operating in the region.

36. Morocco had every right to seek to stabilize the area by all means possible. Enforcing its national sovereignty in its territory was the best way to keep the region from becoming one more embattled region. A peaceful settlement of the Western Sahara dispute would foster stability and defeat terrorism in North Africa. All

Sahrawi refugees should return to their homeland, ready to work for the good of their families by building infrastructure, increasing freedoms and promoting democracy under the Moroccan autonomy initiative.

37. **Ms. Giampietro** (Western Sahara Resource Watch) said that the exploitation of natural resources in Western Sahara hinged on Moroccan military occupation. She called on the United Nations to prevent foreign companies from exploring and exploiting natural resources in the Territory. Moroccan investments made to facilitate the exploitation must be regarded as an obstacle to the liberation of a Territory occupied by force, because they further integrated the economy of Western Sahara into that of Morocco. The shameful violation by Morocco of the Sahrawi people's human right to dispose of its own resources and means of subsistence must not be tolerated.

38. In view of the recent judgments handed down by the European Court of Justice, the role of European companies was particularly problematic. Energy projects in Western Sahara had been rightly contested by Sahrawis, who had argued that such projects entrenched the occupation of Western Sahara and contributed to the plunder of resources. European shipping companies were also involved in the transport of phosphate rock from occupied Western Sahara, where the New Zealand agriculture industry had an equally dubious role, as two of its companies were the only remaining clients in the world still exporting the phosphate rock. Her organization had contacted several of the companies to ascertain what measures were being taken to obtain the consent of the Sahrawi people, to no avail.

39. **Mr. Jamison** (Date Palm Consulting), speaking in his personal capacity as a frequent visitor to the Tindouf camps, said that the Sahrawis had amply demonstrated their hospitality, resourcefulness, openness to the outside world and tolerance of persons of different faiths and foreign workers in their society — characteristics that were antithetical to terrorist behaviour. However, the Sahrawi people deserved the right to self-determination not on the basis of merit but because Allah said that upholding that right was the righteous thing to do. In that regard, he commended Algeria for practicing the faith it professed.

40. **Mr. Coulibaly** (University of Bamako, Mali) said that the Sahelo-Saharan region was in the grip of a security crisis that severely compromised the fundamental rights of the peoples there. The Frente POLISARIO bore responsibility for the deteriorating security situation in the Tindouf refugee camps and in the Sahara, areas plagued by insecurity since the 1970s. The Kingdom of Morocco alone could guarantee security and stability in the region, as evidenced by the marked differences between the situation in cities under Moroccan rule, where rights were respected, and the state of affairs in areas controlled by the Frente POLISARIO.

41. Over the previous three decades, vast trafficking networks had been developing throughout the Sahel, which had become a safe haven for Salafist terrorist groups. In addition to establishing a parallel economy, the criminal networks had fostered rampant corruption and lawlessness, unemployment, extreme poverty, marginalization and a culture of impunity; the host of social ills had laid waste to political life, cultural values and economic development. Residents of the Saharan countries were routinely subjected to physical violence and threats, especially when they expressed opinions that diverged from the norm.

42. The Frente POLISARIO must be held responsible by the international community for its pursuit of counterproductive, repressive policies that served the interests of its leaders and foreign allies. Moreover, decisive and tangible action was needed with a view to implementing the Moroccan autonomy initiative, which constituted the best option for resolving the question of Western Sahara.

43. **Mr. Rodrigues** (Fédération des agences internationales pour le développement), speaking as a legal expert, said that agreements concluded between the Kingdom of Morocco and the European Union were undergoing significant changes. While the European Court of Justice did not have jurisdiction over the resolution of international conflicts, it was competent to interpret European treaty law, under which a series of judgments had been handed down concerning Morocco and Western Sahara, including a rejection of the motion filed by the Frente POLISARIO against the agreement between Morocco and the European Union. That judgment had been supplemented by two other judgments, one of which ruled that the European Union did have the right to negotiate agreements with Morocco that might be applicable to Western Sahara, at the same time enjoining it to verify that the population affected by the agreements had given its consent. Furthermore, in recent months the European Commission had proposed that the tariff preferences provided for under the agreement with Morocco be extended to Western Sahara and that the waters adjacent to Western Sahara be included in the fishing zone. In its proposal, the Commission had found that the Kingdom of Morocco was the only entity with which such an agreement could be concluded in the light of the fact that no other entity could guarantee the sustainable exploitation of those resources and the management and monitoring of the

European funds. The European Union had thus effectively recognized Morocco as an appropriate and legitimate interlocutor on behalf of the people of Western Sahara.

44. **Ms. Zanoguera** (Associació d'Amics del Poble Sahraui de les Illes Balears), speaking as the daughter of a Sahrawi refugee adopted by a Spanish family, said that she would have been forced to live either in the desert in Tindouf or under a police State in occupied Western Sahara had her mother not fled Western Sahara when Morocco had invaded. Sahrawis thus continued to be denied the most fundamental of human rights, namely, the right to choose where one would live and raise one's children.

45. The international community must decide whether it would give itself the gift of listening to the Sahrawi people, as the price of injustice would ultimately be paid by all. She believed in United Nations mandates and in justice, which could be served only by listening to both parties. It was shameful that the indisputably cruel evil of colonialism continued to trump the imperative to uphold human dignity. As a daughter of Western Sahara, she demanded that a just, democratic and well-monitored referendum be held, allowing her people's voice to be heard at long last.

46. **Ms. Ashcraft**, speaking in her personal capacity as a retired United States Drug Enforcement Administration official, said that military organizations like Hizbullah had established training camps in the Tindouf refugee camps, seeking to recruit disaffected, vulnerable youth to engage in terrorist activity, drug and weapons smuggling and human trafficking. Since the Arab Spring, militant Islamist groups had partnered with Latin American drug cartels in an effort to transport more drugs, arms and human beings across the desert, extending their reach throughout the African continent and infiltrating Sahrawi refugee camps. Drug Enforcement Administration offices in the region had noted an escalation in cocaine trafficking from South America to Europe via established routes in Africa, posing a critical threat to both continents. South American drug trafficking organizations were increasingly utilizing the African continent as a transit base and storage location for cocaine destined for Europe. In addition, Southwest Asian heroin and precursor chemicals for methamphetamine were smuggled through the African continent en route to their respective destinations of the United States and Central America.

47. According to a report by the Jerusalem Center for Public Affairs, certain countries with regional ambitions in the Maghreb had chosen to back the Frente POLISARIO, which continued to keep Sahrawi refugees captive, and fight Morocco, a long-standing ally of the West, with the goal of destabilizing the area and undermining the integrity of the Moroccan Kingdom. Other countries had used Hizbullah, which had delivered surface-to-air missiles and other weapons to the Frente POLISARIO, to further their mission, leading Morocco to sever ties with them. The Hizbullah presence in the Tindouf camps made a prompt resolution of the question of Western Sahara all the more necessary; she therefore urged the Committee to take swift and decisive action to adopt the Moroccan autonomy initiative.

48. **Ms. Girouard**, speaking in her personal capacity as a Canadian filmmaker, said that she had witnessed the inhospitable conditions in which Sahrawis lived when she was filming a documentary in the refugee camps in Algeria. The family hosting her faced great material deprivation and, worst of all, had been stripped of freedom, home and future. Easy access to hospitals and universities was non-existent, making prosperity very difficult. The second largest wall in the world impeded them from going home, where the other half of the Sahrawi population were beaten, kidnapped and tortured by Moroccan police whenever they dared to protest peacefully. Morocco continued to silence the Sahrawi people in order to maintain access to the Territory's rich soils and fisheries, including the world's second largest reserve of phosphate rock, a resource used to fertilize farms. By doing so, Morocco was sending the message that wealth and power were more important than human dignity.

49. In addition to boycotting, divesting from and sanctioning Moroccan State companies, States must diligently ensure that their own companies were not supporting the conflict. By making occupation costly, such efforts would ultimately force the Moroccan King to listen. Morocco must also be held accountable for its brutal repression of Sahrawis. The King did not allow journalists to enter the country and MINURSO did not monitor human rights abuses, as Morocco deliberately hid critical information to convince the public of the falsehood that all Sahrawis were living in peace and harmony in the Territory.

50. Lastly, the Sahrawi people's consistently asserted desire for self-determination must be heeded. To that end, she urged MINURSO and its Canadian Special Representative to continue working to facilitate the referendum that Sahrawis had been promised nearly three decades earlier and to pressure the international community to stop ignoring the issue, as ongoing neglect would amount to supporting the slow genocide of a people. For its part, the United Nations and, in

particular, the representatives of France and the United States must put politics aside and stop maintaining the status quo.

51. **Ms. Dubord-Gagnon**, speaking in her personal capacity as a Canadian writer, said that the violation of human dignity endured by the Sahrawis living in the Frente POLISARIO-run refugee camps in Tindouf, Algeria, was an urgent matter that must be addressed. Sahrawis had been subjected to repression by the Frente POLISARIO on a daily basis for over 43 years, dating back to their forced relocation to the camps in the 1970s. The climate of fear that reigned in the camps prevented Sahrawis from returning to their motherland, Morocco, and being reunited with their families. In addition to being deprived of their freedom of movement, some Sahrawis were subjected to enslavement and torture and harassed for protesting peacefully, further violations of their basic rights under the Universal Declaration of Human Rights.

52. The dramatic situation unduly prolonged by the separatist Frente POLISARIO movement must be resolved. The Moroccan autonomy initiative proposed in 2007 appeared to be the sole solution offering a basis for consensus that would put an end to the regional dispute. Moreover, the security situation in the Sahara and the Sahel was imperilled by the emergence of new connections between the Frente POLISARIO and Al-Qaida in the Islamic Maghreb and Islamic State in Iraq and the Levant (ISIL) militias established in Libya. The autonomy solution would advance the international objective of eradicating the scourge of terrorism and mafia networks in the Maghreb and ultimately contribute to building a democratic, stable and united greater Maghreb region for all.

53. **Mr. Blanco** (Universidad de Flores, Argentina) said that the conflict in Western Sahara was not propitious to sustainable development, as it exacerbated the instability of the Maghreb, subjecting its populations to violence and poverty. A political solution would contribute to stability and security in the region and would lead to cooperation between the Arab Maghreb countries. Western Sahara was historically and traditionally Moroccan. The question of Western Sahara was an artificial problem created to weaken Morocco geographically, economically and politically. As the conflict was based on the principle of territorial integrity, peace dialogue could take place only in the United Nations, which had been consistent in its initiatives for the safeguarding of order and peace. Security Council resolution 2414 (2018) reaffirmed the commitment to assist the parties to achieve a just and acceptable political solution, recognizing the serious and credible efforts Morocco had made to advance the process. Its autonomy proposal was fair, realistic and viable. Aiming to ensure a successful political process, the United Nations had also urged neighbouring States to become involved in the negotiations without preconditions. The League of Arab States, the African Union and the European Union should all work together to facilitate the efforts of the United Nations. Morocco was committed to working with all parties under the auspices of the United Nations to achieve a mutually acceptable and definitive political solution, within the framework of international law, to guarantee its territorial integrity and ensure the Sahrawis autonomous management of their regional affairs.

54. **Mr. Agozino** (Peace and Security Observatory, National Defence University of Argentina), denouncing the Frente POLISARIO's diversion of humanitarian aid intended for the Tindouf refugee camps, said that humanitarian aid was just when provided impartially, transparently and apolitically, but when misappropriated, it not only harmed the most vulnerable but nourished illicit networks. In its theft and fraud, the Frente POLISARIO worked closely with local criminal networks known for terrorism, drug trafficking and human trafficking, systematically violating international treaties against organized crime.

55. The misappropriation of food aid and medical supplies had been denounced by the European Anti-Fraud Office, the Spanish Red Cross and the European Strategic Intelligence and Security Center. Many credible organizations had been forced to suspend their contributions, including the Association of the Bar of the City of New York, Teach the Children International and Manos Limpias.

56. Through the diversion of aid, the Frente POLISARIO and its accomplices violated the rights of the defenceless civilian population held captive in Tindouf, all with the blessing of the host country, in a blatant violation of common article 3 of the Geneva Conventions, which prohibited such crimes at any time and in any place. Those acts constituted a crime against humanity that should be condemned and sanctioned by the various organs of the United Nations and competent international bodies, and be brought before the International Criminal Court.

57. **Mr. Moraga Duque** (Rehabilitación y Esperanza) said that for him as a Chilean victim of torture and former political prisoner, the defence of human rights and the quest for reparations were paramount. He appreciated King Mohammed VI's creation of the Equity and Reconciliation Commission to shed light on the grave human rights violations in Morocco between 1956 and 1999 and resolve requests for compensation

from victims or their dependants. In the process of the Commission's work, the Sahara had been treated no differently from other regions, and residents of the region had had the opportunity to hold hearings and collect information from various actors, including those related to the Frente POLISARIO.

58. It was therefore surprising to find Spanish attorneys speaking before the Committee to denounce Moroccan abuses against the Sahrawis, even as many prominent Moroccans in civil society and politics had suffered in Frente POLISARIO prisons. It was an affront to real victims to have spokespersons and accomplices of the Frente POLISARIO speak, when its own authorities maintained a one-party system in the Tindouf camps worthy of the worst dictatorships and were being prosecuted in Spain for crimes against humanity, abduction of women and theft of humanitarian aid.

59. **Mr. Blanc** (University of Perpignan, France), speaking as a professor of comparative law, said that the agreements between Morocco and the European Union were legally valid based on the principle of the State's permanent sovereignty over natural resources. Since sovereignty was a characteristic of States and not of peoples, non-state entities such as non-autonomous Territories were precluded from invoking it, despite claims to the contrary. In the case of Morocco, moreover, its Saharan provinces were fully integrated into the country in every respect, politically, economically, socially and culturally. General Assembly resolution 1803 (XVII) had further provided, of course, that the right to permanent sovereignty over natural resources must be exercised in the interest of the well-being of the people of the State concerned.

60. That was the context of the Moroccan autonomy proposal of 2007, which involved the populations of Moroccan Sahara in the management of the region's affairs, thus ensuring its economic and social development. While waiting for the autonomy proposal to be adopted, Morocco, acting out of a sense of national solidarity, was progressively implementing an advanced regionalization system that allowed the Saharan region, on a par with all the others, to benefit from all the country's resources. The outlay for that major national development programme far exceeded the revenues from the exploitation of natural resources, and human development indicators in the Southern Provinces were well above the average of other regions in the country.

61. The offer by Morocco to grant autonomy to its Saharan provinces was the only realistic and credible alternative that had been put forward, especially since it provided for a referendum to be held to allow the Sahrawis to exercise their right to self-determination within that framework of broad autonomy.

62. **Ms. Emhamed** (Northeast Iowa Peace and Justice Center) said that despite the passage of 27 years since the Sahrawi people had been promised the right of self-determination, the Committee had still not taken serious action. Meanwhile, the Sahrawis continued to suffer under the occupation of Western Sahara. Their resources were being illegally stolen by Morocco and shipped overseas. Students and human rights activists were being tortured and imprisoned for protesting.

63. The United Nations should stand together against French bias towards Morocco and its abuse of international law and should hold the French Government accountable for contributing to the suffering of the people of Western Sahara. The people of France should demonstrate against their Government's violations of the Sahrawi people's right to self-determination.

64. Spain continued to violate international law by not recognizing its historical responsibility to free Western Sahara. Spain continued to deny the Sahrawi people its freedom by standing with Morocco in its exploitation of the natural resources of Western Sahara. The Sahrawis had to be given freedom, a voice and the opportunity to decide for themselves.

65. **Mr. Grimblatt** (Centro de Estudios del Magreb para las Américas) said that Morocco was principally focused on growth and development in the Moroccan Sahara, rather than on the exploitation of its natural resources. The separatist accusations of an unbridled exploitation of resources were politically motivated and could not be farther from the truth. Since the relinquishment of the region by Spain, Morocco had also contributed to its political development, granting nationality to the inhabitants with all pertaining rights, including political representation in the Parliament. Moreover, its Saharan citizens had been granted the same social rights and the same economic rights as everyone else in the country, fostering consistent national development. Contrary to the accusation of unprincipled exploitation levelled against it, Morocco had made investments in the fisheries industry of Moroccan Sahara, and modernized it to the point that it was recognized globally for the quality of its products and for a respect for sanitary and fair employment norms. The Government had also invested in the production of phosphates there, which had led to the creation of stable jobs and the development of energy sources, with the product of the industry being reinvested into the area, allowing advances in such areas as seawater desalination, education, sports activities and

tourism. The large-scale government policies for the development of the Saharan region aimed to ensure that Saharan individuals, families and communities benefitted from all the rights and privileges of Moroccan citizenship.

66. **Mr. Rino** (Bambini Senza Confini - Onlus), speaking also on behalf of the municipal government of Naples and of a group of Italian NGOs which had long been working to uphold the cause of the Saharan Arab Democratic Republic, said that upon visiting the Sahrawi refugee camps, he had found the people living solely off diminishing humanitarian aid, without sufficient potable water, decent health care or even shoes for their children. Yet they remained proud, united, welcoming and peaceful people.

67. Western Sahara was an ungoverned Territory, and the Sahrawi people had an inalienable right to self-determination and independence from a monarchy that had occupied its land, built a mined berm around it, illegally exploited its resources and tortured and imprisoned those who had remained under occupation. The Security Council must find a new way to immediately hold the referendum on self-determination and transfer the question of Western Sahara from Chapter VI to Chapter VII of the Charter of the United Nations.

68. **Mr. Seillan** (Member of the Paris Bar), speaking as a legal specialist in the question of Western Sahara, said that the human rights of the Saharans living in the Sahara region of Morocco must be considered in the specifics, in terms of their enjoyment of broad school attendance, wide-ranging public services, vibrant economic development in which Saharans and women in particular played an essential role, an innovative artisanal fisheries production, and dynamic community involvement in all sectors. The region boasted a civil society that would be the envy of other countries. Human rights also involved democratic participation in national, regional and local elections. Taken together, the Human Development Index was higher in Moroccan Sahara than elsewhere.

69. He had followed the Gdim Izik trial as an observer and found that it had completely respected human rights and that the trial's procedures had been influenced to a large extent by Anglo-Saxon adversarial procedure. It was the defendants' attorneys who had flouted their rights and not served their interests, or those of the thirteen murder victims, by using the trial to make general political observations favouring the Frente POLISARIO instead of focusing on the details of the case. He had visited the prison where the defendants were detained and found that the claims about the defendants' health were lies.

70. **Mr. El Ahmadi** (Faculty of Medicine, Rabat University, Morocco), recalling that Morocco, established as a nation in the 8th century, had been the only independent State in northwest Africa until its colonization in 1906, said it was important to remember that it was Morocco that had put the question of Western Sahara on the Committee's agenda in 1963 in order to end Spanish colonial domination of its Saharan territory, even after the rest of Morocco had been decolonized in 1956. The Moroccan request had been in line with General Assembly resolution 1514 (XV), which provided that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. The Frente POLISARIO and its supporters should check their information and have a modicum of humility and decency when addressing such an honourable assembly.

71. **Mr. González Vega** (Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental), speaking as a professor of international law in Spain, said that international law recognized the permanent sovereignty of peoples over their natural resources, in accordance with General Assembly resolution 1803 (XVII) and a 2005 judgment of the International Court of Justice. However, the Sahrawi people had seen repeated violations of its permanent sovereignty over its natural resources in the case of agreements between the European Union and the occupying Power, Morocco, to pillage the waters of Western Sahara. The United Nations Office of Legal Affairs had considered the issue in an opinion (S/2002/161) and stipulated that only when resource exploitation activities were conducted in Non-Self-Governing Territories for the benefit of the peoples of those Territories, on their behalf or in consultation with their representatives were they compatible with the General Assembly resolutions and the principle of permanent sovereignty over natural resources. The European Court of Justice had also recently rejected the justification put forward by Morocco that it was an administering Power and thus could exploit Sahrawi fishing resources.

72. Therefore, fishing in the marine areas of Western Sahara by ships bearing flags of European Union member States was illegal, and the European Union was liable for it. It was all the more serious that such fishing was at the initiative of Spain, still the administrating Power of the Territory, which was once again in violation of its obligations.

73. Claims that such fishing would take into consideration the interests of the population of the Territory lacked the slightest basis, as they conflated the population currently living in the Territory, many of whom were Moroccan colonists illegally settled there, and the people of Western Sahara, which was the sole sovereign of the Territory. The fishing resources of Western Sahara could be exploited only with the free consent of the people of Western Sahara, through its legitimate representative, the Frente POLISARIO.

74. **Mr. Laassel** (Morocco) asked the Chair to apply the Committee's rule that petitioners who were not present at their turn should not be given the floor.

75. **Ms. Benhabouche** (Algeria) recalled that the Committee's practice was to allow petitioners who missed their turn to be able to speak later, so as to ensure that all petitioners could speak.

76. **Mr. Mahfouz** (Egypt) said that it was unacceptable and unprecedented for anonymous people to be allowed to name specific countries and make unfounded allegations in a respected United Nations forum or discuss issues not relevant to the agenda of the Fourth Committee.

77. **The Chair** said that, if delegations wished to ask questions of a petitioner, they should indicate their wish to speak by pressing the microphone button well before the petitioner had finished so they could be given the floor.

78. In response to Morocco and Algeria, he said that he was using the lists of petitioners provided by the secretariat. The practice of the Committee was that if petitioners missed their turn, adjustments were made to accommodate them.

79. **Ms. Sharma** (Secretary of the Committee) clarified that when there was a change in the list of speakers, it was because the petitioners had mutually agreed to switch their spots.

80. **Mr. Aleksaev** (Russian Federation) said that the delegation of Egypt had addressed its remarks to the secretariat and not to the petitioner, and his delegation thought a response should be given, either at that meeting or at the next.

81. **The Chair** asked which petitioner Egypt was referring to.

82. **Mr. Mahfouz** (Egypt) said that the individual was Mohamed Fadel and was not listed as having any *institutional affiliation*.

83. **The Chair** said that Mr. Fadel was number 62 on the list for 10 October 2018. He asked Egypt to detail its concerns so that the Bureau could provide updated information to the Committee.

84. **Ms. Benhabouche** (Algeria) said that the time reserved for petitioners was intended to allow the Committee to hear from them, and there should not be obstacles to hearing them. There was a practice that if petitioners agreed to exchange their turns they would be heard in that order, and his delegation believed that practice should be respected. The Chair had never said that any petitioner not in the room should be removed from the list.

85. **Mr. Laassel** (Morocco) said that the previous statement showed the kind of manipulation that was occurring in the room.

86. **The Chair** said that there was a misunderstanding in the assertion by Morocco that a petitioner not in the room would not be heard, which was not the case. The Committee had always been guided in its work by the principles of impartiality, consensus-building and teamwork, not manipulation.

87. The Bureau would discuss the matters just raised with Algeria, Egypt, Morocco and Russia before the subsequent meeting.

The meeting rose at 6.10 p.m.

United Nations A/C.4/73/SR.6

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 6th meeting
Held at Headquarters, New York, on Friday, 12 October 2018, at 3 p.m.

Chair: Mr. Kemayah, Sr. ..... (Liberia)

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Hearing of petitioners

* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.10 p.m.

Agenda item 59: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/73/64 and A/73/23)

Agenda item 60: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/73/23)

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Agenda item 63: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/73/23, A/73/70 and A/73/219)

Hearing of petitioners (*continued*)

1. **The Chair** said that, following the concerns expressed at the previous meeting regarding the status of petitioners, consultations had been held with the delegations of Morocco, Egypt and Algeria to reassure them that the procedures of the Committee had been not been violated.

2. In accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

3. **Mr. Aleksaev** (Russian Federation) said that he appreciated the information provided by the Chair. His delegation had raised the issue in the chamber to ensure that all Committee members received a transparent explanation of the status of those petitioners. He requested that the official documentation of the Committee be amended to reflect any necessary corrections.

Question of Western Sahara (continued) (A/C.4/73/7)

4. **Mr. Omar** (Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario)) said that, despite Security Council and General Assembly resolutions condemning the actions of Morocco and urging it to withdraw from the Territory, the continued presence of Morocco in Western Sahara constituted an occupation, under which human rights had been violated and natural resources plundered. The ongoing consideration of the issue by the Committee was a testament to the fact that the inalienable rights of the Western Saharan people were non-negotiable. The United Nations had a responsibility towards those people. The Frente Polisario remained ready to engage in direct negotiations to achieve a solution to the dispute.

5. **Mr. Kadyautumbe** (Zimbabwe) said that he wished to know what the Frente Polisario thought of the fact that, even though the occurrence of human rights violations in Western Sahara had been confirmed by the United Nations and human rights organizations, the United Nations Mission for the Referendum in Western Sahara (MINURSO) was the only United Nations peacekeeping mission that did not monitor human rights.

6. **Mr. Omar** (Frente Polisario) said that the human rights violations committed by the occupying Power in Western Sahara had been well documented by the international community and should be condemned by the Committee.

7. **Ms. Baez**, speaking in her personal capacity, said that no occupying Power should be allowed to forsake the residents of a Territory under its control. If the Moroccan Government truly wished to encourage development in Western Sahara, it would be working with the people; instead, it had divided up the Territory, leaving some areas outside all government control, and withdrawn from the African Union following the recognition by that body of the "Sahrawi Arab Democratic Republic". As the independence of the "Sahrawi Arab Democratic Republic" was recognized by the majority of African States, the people of Western Sahara should be permitted to govern the land as they saw fit, and Morocco, rather than exploiting the resources of the Territory, should respect the decisions of the Territorial government.

8. **Mr. Arkoukou** (Free Western Sahara), speaking as a Sahrawi activist, said that a dangerous demographic shift was under way in Western Sahara. In contravention of the Fourth Geneva Convention, Morocco, whose sovereignty over Western Sahara had never been recognized internationally, had been pursuing an

extensive settlement policy in the Territory with a view to changing its demographic make-up in anticipation of a referendum on self-determination. Young Moroccan settlers, encouraged by their relatives to join them in the Territory, were entitled to Moroccan identification cards bearing the symbol allocated to the Territory once they reached maturity. As a result, population growth in Western Sahara was far higher than in Moroccan regions, having increased six-fold over a period of 40 years, according to a series of censuses.

9. **Mr. Hormatallah** (Dakhla-Oued Eddahab region in Western Sahara), speaking as a tribe member from the Dakhla-Oued Eddahab region, said that, contrary to some claims, residents of the Saharan provinces did not live in poverty. Conversely, according to the latest report by the Moroccan Ministry of Economy and Finance, the Laâyoune-Sakia al Hamra region had the highest average annual individual income in Morocco, and two of the three regions in the Moroccan Sahara had an average individual income of double that in the Fès-Meknès region, despite the reputation of the latter as the wealthiest and most economically active in the country. The rapid development and foreign investment enjoyed by the Sahara region was the result of major investment projects implemented by the Moroccan Government. Opponents of Morocco, reluctant to accept that fact, continued to spread misinformation about the economic well-being of the region.

10. **Mr. Sassi** (Skc, Inc.) said that the Sahrawi people were the victims of both the military occupation by Morocco and of the colonialism in another form perpetuated by certain European powers. On multiple occasions, the Court of Justice of the European Union had issued rulings confirming that Western Sahara was a separate Territory from Morocco and that its inclusion under the proposed fishing agreement between Morocco and the European Union violated international law, in particular the principle of self-determination. In doing so, the Court had dismissed any claims of sovereignty by Morocco over Western Sahara, rejected the opinion of the European Union that Morocco exercised de facto control over the Territory, and made the validity of all agreements on the use of the natural resources of the Territory dependent on the consent of the Western Saharan people.

11. In an attempt to dilute the power of those rulings, however, the European Commission had held pseudo-consultations with the local population, in which mainly Moroccan settlers had participated. Local non-governmental organizations had refused to take part, citing the lack of transparency and the biased position of the European Commission.

12. **Mr. Baqai** (Westminster College, Missouri) said that the United Nations needed to deliver on its promises to uphold the right to self-determination of the Western Saharan people in light of the 1975 advisory opinion issued by the International Court of Justice that Morocco held no sovereignty over Western Sahara and that there was therefore no impediment to implementing General Assembly resolution 1514 (XV). Although it had occasionally shown willingness to negotiate, Morocco had failed repeatedly to uphold its promises in that regard, whereas the Frente Polisario — the lawful political voice of the people of Western Sahara — had made genuine concessions with a view to resolving the conflict. Despite the various United Nations Security Council resolutions that expressed explicit support for a referendum on self-determination, including resolution 621 (1988), no progress had been made in that regard for a long time. Concerted efforts were therefore needed to ensure that a fair and impartial referendum was held.

13. **Ms. López Bermejo** (European Parliament) said that it was regrettable that the proposed new trade and fishing agreements between the European Union and Morocco included Western Sahara within the territory of Morocco, despite rulings by the European Court of Justice to the contrary, in which the Court had stated that the Saharan people — represented by the Frente Polisario — should decide how their lands and waters were managed. By supporting the Moroccan occupation of the Territory, the European Commission had chosen to ignore those rulings, thereby undermining the work of the United Nations, ignoring the rights of the Sahrawi people and the need for a resolution to the conflict, and threatening the validity of United Nations resolutions and international law. Furthermore, despite their responsibilities towards the Western Saharan people, European Union member States such as France and Spain continued to support such action.

14. Condemning the ill-treatment of political prisoners and the dispersal of the Sahrawis into refugee camps and Moroccan-occupied areas, she urged the Security Council to support the negotiations process in good faith and without prior conditions, in line with its resolutions to that effect. The mandate of MINURSO should also be expanded, contingent upon efforts to ensure its impartiality and independence. The international community had a duty to support such negotiations.

15. **Ms. Sureda i Martí** (Intergrupo "Paz Y Solidaridad Con El Pueblo Saharaui"), speaking as a parliamentary representative of the Balearic Islands, said that she had witnessed in person the state of hopelessness in which many Sahrawi refugees lived as a result of the decades-long failure of national and international organizations to

uphold their responsibilities to those people. Morocco continued to plunder the natural resources of Western Sahara, despite rulings handed down by the European Court of Justice stating that Western Sahara did not form part of Morocco and that any agreement concerning its natural resources must be approved by the legitimate government, the Frente Polisario. In the Balearic Islands, civil society activists had attempted to prevent the import of sand from Western Sahara, but their efforts had been thwarted. Furthermore, Sahrawi political prisoners were being denied their fundamental rights and deprived of justice. Prosecutors had admitted that individuals were being brought to trial solely for their political beliefs, without any evidence of criminal activity, and that torture was used to extract confessions.

16. **Ms. Seida** (Laayoun-Sakia Al Hamra region) said that she had been elected vice-chair of the Laâyoune-Sakia al Hamra region through free and transparent elections, the integrity of which had been verified by international observers. Rejecting those elections, the Frente Polisario claimed to be the sole representative of the Saharan people and sought to exploit regional geopolitical circumstances to gain international attention. Although it had attempted to claim the recent rulings of the European Court of Justice as a victory, a representative of the European Union had correctly noted that the rulings did not grant the Frente Polisario any rights over the region, that the fishing agreement between Morocco and the European Union remained valid, and that the European Union could conclude no such agreements with the Saharan region, as that region had no legal status and was not recognized by any European Union member State. Furthermore, angered by the terms used by the European Union to describe the Saharan region and population, the Frente Polisario sought instead to impose its chosen terminology, which did not reflect the reality of the situation in the Moroccan Sahara.

17. **Mr. Ayach** (Foum El Oued commune), highlighting the hypocrisy of the positions held by certain States members of the African Union regarding the Saharan issue, said that although the African Union officially recognized Western Sahara, only one third of its member States did so. Despite being a minority, those States wanted the African Union to play a role in resolving the conflict, including by ensuring the right to self-determination of the Saharan people. Given that no referendum had yet been held on establishing an independent State, however, such a State could not yet be considered to exist. States that recognized the entity should therefore withdraw their recognition and await the results of such a referendum. Further evidence of that hypocrisy was the fact that, while those States supported the right of the Saharan people to self-determination, they spoke out against peoples in European regions that sought independence. The real aim of those States was to ignore the legitimate historical rights of Morocco and hinder development in the region.

18. **Mr. El Baihi** (Observatoire du Sahara pour la paix, la democratie et des droits de l'homme) said that, although the Human Rights Council had once again requested a census of the inhabitants of the Tindouf camps, neither the Frente Polisario nor the State that had established that movement would allow it to take place, knowing that the population figures that they had supplied were far higher than the actual population size. The European Union, aware of this deception, had chosen to provide humanitarian aid for only 90,000 persons, rather than the 160,000 claimed to live in the camps, and had resisted all attempts by Algeria to obtain additional aid. The Frente Polisario had exaggerated the size of the Tindouf population in an attempt to convince the international community that it was the legitimate representative of the Saharan people. It also sought to profit from the unlawful sale of surplus aid. Morocco would be unable to find an acceptable solution to the situation until it could negotiate with Algeria, which should be held responsible for all human rights violations committed in its territory.

19. **Mr. Dahi** (Laâyoune), speaking as a Saharan citizen and member of the Department of Employment in Laâyoune city, highlighted the great efforts made by Morocco to provide employment for tens of thousands of young Saharans and improve economic and social conditions in the region. Various civil-society organizations and associations worked in a variety of fields across the Saharan region, and the Moroccan Government relied on those groups to ensure that the daily needs of the population were met. The 2005 National Human Development Initiative facilitated direct cooperation with civil-society actors, who played a key role in developing proposals for human development projects, assessing and maximizing the impact of activities and guaranteeing the transparency of the development programme within a methodological framework of creative government practices.

20. **Mr. El Ouali** (Association 9 Mars) said that certain parties, lacking evidence to support their arguments, were spinning lies in an attempt to deceive voters and gain public sympathy. The Frente Polisario, for example, claimed that their non-existent Saharan republic had been recognized by 80 States, whereas in reality only 32 countries still did so, the remainder having withdrawn recognition after realizing that they had been duped. No member of the Security Council,

nor any State in North America or Europe, recognized the entity. Furthermore, the African Union was the only regional or international organization to recognize it, having been forced into doing so.

21. **Ms. Vilaret I González**, speaking in her personal capacity as a Member of Parliament for the Balearic Islands, said that the human, political and economic rights of the Western Saharan people were being gravely undermined. Morocco should respect international law and human rights, re-establish the functions of MINURSO and accept the Peace Plan for Self-Determination of the People of Western Sahara.

22. The international community should support a referendum on self-determination for the Western Saharan people. Regardless of its immigration and economic policies, the European Union had a duty to defend international law, in particular the recent rulings of the European Court of Justice, which had reaffirmed the legitimacy of the Frente Polisario and reminded the international community that Western Sahara was not part of Morocco.

23. Spain had moral, historical and de jure responsibilities towards Western Sahara, including those related to the completion of the decolonization process. All political parties in the Balearic Islands unanimously condemned Morocco for undermining human rights and delaying the adoption of the Peace Plan, and urged the Spanish State to recognize the Frente Polisario and the "Sahrawi Arab Democratic Republic" and actively support the right of the Sahrawi people to self-determination. A referendum on self-determination was the only way to end the conflict.

24. **Mr. Yara** (Laayoune Online) said that a number of false allegations had been made against the Sahrawi people. Claims that they were growing illegal drugs were implausible, as Western Sahara was a desert environment. In reality, those drugs were grown in the Moroccan Atlas Mountains. Furthermore, no Sahrawi person, whether in the refugee camps or the occupied Territory, had ever been found to have been involved in terrorist activities. Refuting the claims that residents of the occupied Territory had the right to vote in elections, he asserted that only voters whom election candidates paid to vote were permitted to exercise that right. He dedicated the remainder of his allocated time to remembering Ahmed Boukhari, who had passed away earlier in 2018.

25. **Mr. Rai** (Papua New Guinea), resuming the general debate and speaking on behalf of the Melanesian Spearhead Group, said that the road to achieving agreement on a referendum on self-determination for New Caledonia had been long and challenging. All parties should therefore proceed with care and maintain dialogue to ensure the successful conduct of the referendum, as the situation in New Caledonia remained prone to rapid change. The Group welcomed the commitment and good faith demonstrated by all parties in addressing outstanding issues related to the self-determination process.

26. While welcoming the improvements made to the electoral system used in the administering Power and the Territory, the Group remained concerned that some Kanak voters had not yet been registered, and called for greater cultural sensitivity to ensure that disaffected voters did not become a source of instability. The Group also requested the general publication of the internal report of the United Nations electoral experts deployed to provide assistance regarding the special electoral rolls for provincial elections and the referendum.

27. Noting that the Electoral Assistance Division of the Department of Political Affairs had been invited as an international observer for the referendum, the Group asked what role the Division would play, and suggesting that deploying select members of the Special Committee on decolonization would be more useful, particularly at a time when efforts were being made to improve the transparency and accountability of the United Nations.

28. To ensure that the outcome of the referendum was respected by all parties, the political and electoral processes needed to be transparent, fair and credible. Regardless of the outcome, New Caledonia should remain on the list of Non-Self-Governing Territories, in accordance with the Nouméa Accord, which provided for multiple referendums. In addition, the process for the transfer of powers and competencies as defined in the Accord should be respected.

29. Highlighting its appreciation for the valuable conclusions and recommendations issued by the second United Nations Visiting Mission, the Group reiterated its commitment to working with all parties concerned to implement the Accord and build the human resource and institutional capacities of New Caledonia. It also expressed gratitude to France for its positive engagement with all parties regarding the future of the Territory.

30. Speaking in his national capacity on the question of French Polynesia, he said that, while his country recognized the competing interests of the various political parties in the Territory, only the people of French Polynesia had the right to decide its future. Papua New Guinea encouraged peaceful dialogue in pursuit of a solution. On the question of Tokelau, Papua New Guinea commended both parties for engaging constructively with regard to the self-determination

process, which served as a positive example for other Non-Self-Governing Territories. Papua New Guinea reaffirmed its commitment to achieving the emancipation of all Non-Self-Governing Territories in line with the principle of self-determination.

31. **Mr. Simon-Michel** (France) said that his country was sparing no effort to ensure the success of the upcoming referendum in New Caledonia. During its second Visiting Mission to New Caledonia in four years, members of the Special Committee had personally witnessed the socioeconomic, political and educational measures taken to implement the Nouméa Accord in line with its own recommendations, including the expansion of an educational campaign on the consequences of the referendum and the adoption of measures to guarantee the security of electoral meetings, voting stations and the transportation of voting slips.

32. As part of its preparations for the referendum, France had hosted another United Nations expert mission to observe the preparation of the special electoral rolls for provincial elections and the referendum. It had also requested that the campaign and the vote be monitored by experts, and that a coordination mission be conducted to facilitate the deployment of international observers. Every step had been taken to ensure that all eligible voters were registered, including by making preparations to allow changes to be made to the electoral roll on the day of the vote itself.

33. On the question of French Polynesia, France hoped that its inclusion on the list of Non-Self-Governing Territories would be reviewed in light of the wishes of the French Polynesian people, who, during local elections in 2013, had voted overwhelmingly in favour of remaining an autonomous territory of France.

34. **Ms. Rodríguez Camejo** (Cuba) said that it was regrettable that colonialism continued to prevail, despite the deadlines set by the United Nations for its eradication. Cuba commended the efforts of the Special Committee to that end and urged the United Nations to continue its work in that area. Recalling that the Special Committee had repeatedly reaffirmed the right of the Puerto Rican people to self-determination, she stated that, contrary to the picture that the United States Government sought to present, Puerto Rico had not yet recovered from the devastation wrought by hurricanes Irma and Maria. The United States Government had released only a small proportion of the relief funds allocated by its Congress, only 12.5 per cent of which would have a direct impact on the Puerto Rican economy.

35. Her Government defended the right of the people of Western Sahara to self-determination and reiterated its support for the efforts of the United Nations Secretary-General and his Personal Envoy for Western Sahara to find a mutually acceptable political solution to the question of Western Sahara, in particular through the latest round of unconditional dialogue to be held between the two parties. Cuba also unrestrictedly supported the legitimate right of Argentina in the sovereignty dispute relating to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which were part of Argentine territory. A negotiated, just and definitive solution to that dispute should be found as soon as possible. The two parties should refrain from any unilateral acts that could introduce modifications in the situation of the Islands while the negotiation process was under way.

36. Condemning the Israeli occupation of Palestine and the associated human rights violations and war crimes committed against the Palestinian people, the Cuban Government called for urgent measures to ensure the application of international and humanitarian law. Cuba supported a two-State solution based on pre-1967 borders, with East Jerusalem as the capital of Palestine. Regrettably, the United Nations had thus far failed in its responsibilities towards the Palestinian people.

37. Cuba called for ever-greater efforts to educate the peoples of Non-Self-Governing Territories about their right to self-determination and to raise awareness among the international community of the importance of supporting such processes. In that connection, it was concerning that some administering Powers had failed to meet their responsibilities to provide information on Territories under their control.

38. Cuba continued to collaborate with Non-Self-Governing Territories, in particular by hosting graduate students from those Territories at State educational facilities. The Government remained committed to ending colonialism and believed that, while even one Territory remained under colonial rule, the work of the Committee could not be considered complete.

39. **Mr. Carazo Zeledón** (Costa Rica) said that, although the move away from colonialism had been one of the most significant changes of the 21st century, it was regrettable that some peoples still did not enjoy the right to self-determination. Costa Rica remained a firm supporter of the Committee, which it hoped would continue to seek suitable measures to implement all relevant decisions and instruments. The regional seminars and Visiting Missions that the Committee

carried out contributed to the dissemination and evaluation of information about the situation in each Non-Self-Governing Territory.

40. Costa Rica recognized the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The legitimate Argentine claim had been supported by various General Assembly resolutions. Costa Rica commended Argentina and the United Kingdom for the constructive progress made in various respects and urged them to continue in that vein with a view to achieving a peaceful and lasting solution to the dispute. Costa Rica also supported the efforts of the Secretary-General and his Personal Envoy for Western Sahara to find a fair, sustainable and mutually acceptable solution to the question of Western Sahara.

41. As sovereignty and democracy were inextricably linked, the United Nations should seek efficient, sustainable and peaceful solutions to international conflicts that upheld the values of democracy, human rights, self-determination, sovereignty and justice. Colonialism posed an obstacle to international economic cooperation and socioeconomic and cultural development and undermined the principle of universal peace. It was therefore right that such practices were being put to an end.

42. **Mr. Hawke** (New Zealand) said that the recent developments in the relationship between his Government and Tokelau reflected the new approach that the Government had adopted to that important issue, through which it hoped to build stronger partnerships with its Pacific neighbours.

43. Over the next four years, New Zealand planned to invest 86 million New Zealand dollars ($NZ) in Tokelau to improve the health and education systems, reduce the travel time between the atolls, provide faster and more reliable Internet service, improve governance, transparency and democratic practices, strengthen the public financial management capacity and maximize revenue from fishing in a sustainable manner. It was also helping to build resilience to climate change, in particular by reducing the risks of coastal inundation and constructing a weather station; such efforts were all the more important given that Tokelau, as a Territory, could not gain access to sources of global climate finance available to many countries. Tokelau also regularly played a role in international climate negotiations, and it was now covered by the United Nations Framework Convention on Climate Change and the Paris Agreement. New Zealand remained committed to building the capacity and confidence of Tokelau to self-govern. It welcomed the attention placed on the issue by the Committee and would continue to provide assistance in that regard.

44. **Mr. Ten-Pow** (Guyana) said that, although the United Nations had made great strides towards ending colonialism, its work would not be complete until all Non-Self-Governing Territories enjoyed the right to self-determination, which was obstructed only by the continued existence of colonialism. Efforts should be made to ensure that all peoples enjoyed the same fundamental rights to which they were entitled, equally and without distinction.

45. Expressing support for the measures adopted as part of the Second and Third International Decades for the Eradication of Colonialism, his Government urged all administering Powers to work closely with the United Nations on finalizing a programme of work and to maintain dialogue with the Special Committee and the peoples of the Territories under their control with a view to achieving the goals of those initiatives.

46. Commending the work of the Secretary General's Personal Envoy for Western Sahara, the Guyanese Government emphasized that ensuring the well-being of the Sahrawi people should be one of the main motivating factors for achieving a just, lasting and mutually acceptable political settlement. Encouraged by recent progress in that regard, it called on the interested parties to approach the next round of negotiations in a constructive spirit and to uphold the provisions of the relevant General Assembly and Security Council resolutions.

47. **Mr. Tenya** (Peru) said that his country had always strongly supported all efforts to eradicate colonialism, in line with the mandate set out in the Charter and various General Assembly resolutions. Although significant progress had been made, Peru urged the United Nations to redouble its efforts to eliminate colonialism completely. A strong political will and a case-by-case approach were fundamental to achieving that goal. Each case should be subject to close and constant evaluation involving direct and regular contact between the Special Committee and the affected parties. Administering Powers needed to work closely with the Special Committee in that regard and to take all necessary steps to accelerate the process of decolonization.

48. A matter of particular importance to Peru was the case of the Malvinas Islands, where historical and legal circumstances precluded the possibility of exercise of the right to self-determination. Peru had consistently supported the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime

areas, in accordance with the provisions of General Assembly resolution 2065 (XX). Negotiation was the only means of resolving that issue, and Argentina and the United Kingdom should resume talks with a view to finding a peaceful, constructive and lasting solution to the dispute, guided by the relevant resolutions of the United Nations and the Organization of American States. They should refrain from taking decisions that would imply introducing unilateral modifications in the existing situation of the Islands, in line with General Assembly resolution 31/49.

49. **Mr. Touangaï** (Central African Republic) said that his country remained committed to eradicating colonialism. While urging the Committee to take further steps to support the decolonization process and promote sustainable growth in all Non-Self-Governing Territories, he also cautioned against adopting radical positions that could have unintended consequences.

50. A lasting solution was required to resolve the dispute in the Moroccan Sahara and ensure the stability and security of the Sahel region. Expressing support for the efforts of the Secretary-General and his Personal Envoy for Western Sahara in that regard and for the implementation of General Assembly resolution 2414 (2018), the Central African Republic called on all neighbouring States, in particular Algeria, to contribute to the process and participate in negotiations. The Central African Republic commended Morocco for its willingness to cooperate, in particular in allowing the Secretary-General's Personal Envoy to visit the Sahara region in 2018, and for its efforts to promote human rights and to develop the region in line with international norms. Welcoming the upcoming negotiations and commending Morocco its willingness to participate in them, his Government remained concerned by the situation of refugees in the Tindouf camps and called for a census to be conducted. It also wished to assure the international community that its position on the issue of the Saharan region did not adversely affect its relations with other countries in Africa.

51. Rising immigration had become a priority issue for the international community. As a result of the conflict in the Central African Republic, many individuals were internally displaced or living as refugees. His Government called on its partners to develop new approaches to repatriation and reintegration, including by providing employment, in order to support its national strategy in that regard. In that connection, it welcomed the planned Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration.

52. The Central African Republic was conscious of the need to promote human rights and a culture of peace in order to ensure national unity, and of the importance of engaging citizens in discussions on the meaning of citizenship and the principles of secularism as set out in the Constitution. In that context, the Government had recently been able to restore the national courts and resume criminal proceedings.

53. The Central African Republic firmly condemned the growing problem of human trafficking. It intended to draw up a national action plan to combat networks trafficking in humans, drugs and weapons, and to protect victims of trafficking.

54. **Ms. Ferreira** (Angola) said that her country fully supported the efforts of the United Nations to end colonialism, the existence of which ran contrary to the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights. Angola stood in solidarity with all peoples still fighting for their right to self-determination and independence.

55. Recalling the responsibility of the General Assembly to ensure the decolonization of Western Sahara and promote the sovereignty of the Sahrawi people, she called attention to the various decisions of the African Union on that issue, including that taken at the 31st Ordinary Session of the African Union Summit, and expressed her Government's support for the efforts of the Secretary-General's Personal Envoy for Western Sahara to engage both parties in negotiations. Her Government also called on the Special Committee to conduct an official visit to both the occupied and liberated areas of Western Sahara and to the Sahrawi refugee camps in Algeria to ensure that human rights were being upheld.

56. Decolonization could not be achieved without the engagement of all parties in the United Nations peace process and the adoption of political and legal solutions acceptable to all parties. Angola supported the implementation of all General Assembly and Security Council resolutions on Western Sahara with the aim of achieving a peaceful solution of the issue.

57. **Mr. Al-Maawda** (Qatar) said that, given the threat posed by colonialism to peace, human rights and democracy, one of the greatest achievements of the United Nations had been ensuring the independence of many former colonies. The Declaration, the Universal Declaration of Human Rights and all General Assembly resolutions on decolonization played an essential role in ending colonialism, foreign domination, racial discrimination and the denial of human rights. Qatar encouraged the consensual and peaceful settlement of

territorial disputes, which could be achieved only through dialogue and the consideration of each situation on a case-by-case basis.

58. Qatar firmly supported the inalienable right of the Palestinian people to self-determination and to live in an independent State based on the 1967 borders, with East Jerusalem as its capital, in accordance with all international instruments calling for the withdrawal of Israel from the Occupied Palestinian Territory and all occupied Arab lands.

59. On the question of Western Sahara, he emphasized the importance of dialogue and negotiation in achieving a lasting solution. Qatar supported all efforts to reach a political settlement in line with the relevant Security Council resolutions and in a manner that preserved the sovereignty of the Moroccan State. A solution to the issue would help ensure the stability and security of the region and foster cooperation between neighbouring States. In that connection, Qatar highlighted the importance of the self-rule initiative proposed by Morocco at its first summit with the Arab States of the Gulf in 2016 as a basis for settling the dispute. The General Assembly should support all efforts to complete the political process and achieve a consensus-based solution.

60. **Ms. Hashim** (Iraq) said that the Declaration was a source of inspiration for all advocates of freedom. Iraq supported the elimination of colonialism and racial discrimination and the implementation of human rights under the Declaration, which should remain a priority of the United Nations until a resolution had been found for all Non-Self-Governing Territories.

61. As a member of the Special Committee, Iraq regretted that certain administering Powers did not participate in meetings of the Special Committee as mandated by United Nations resolutions, given that such Powers had a duty to keep the Special Committee abreast of developments in the Territories under their control and to facilitate the conduct of Visiting Missions. Although the situation of each Non-Self-Governing Territory was unique, all administering Powers had official responsibilities towards the people in the Territories under their control, which included a duty to protect their natural resources, provide humanitarian assistance in response to natural disasters and build emergency-response capabilities. Specialized agencies and foreign investors made valuable contributions to improving living conditions in Non-Self-Governing Territories, provided that they worked in consultation with local populations. It was essential that all economic assistance provided to such Territories was carried out with the main objective of strengthening their economies and achieving the 2030 Agenda for Sustainable Development.

62. Iraq encouraged Visiting Missions as an effective method of examining the conditions in which each population lived and its relationship with the administering Power. Having participated in the Visiting Mission to New Caledonia in March 2018, it commended the spirit of cooperation shown by United Nations staff and by France, which had enabled the Mission to establish a clear picture of the current situation. Iraq welcomed the atmosphere of peaceful coexistence and democracy in New Caledonia, and highlighted the efforts of local authorities to uphold the Nouméa Accord, in particular with regard to the conduct of a referendum. Iraq remained firmly committed to working with other members of the Special Committee with a view to eliminating colonialism in all remaining Non-Self-Governing Territories.

Statements made in exercise of the right of reply

63. **Mr. Sylvester** (United Kingdom), replying to the statements made by the representatives of Costa Rica and Peru, said that the United Kingdom had no doubt about its sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and the surrounding maritime areas of both Territories, nor about the Falkland Islanders' right to self-determination, as that principle was enshrined in the Charter of the United Nations and in article 1 of the two International Covenants on human rights, by virtue of which they freely determined their political status and freely pursued their economic, social and cultural development. None of the regional statements of diplomatic support for sovereignty negotiations invoked by Argentina modified or diluted the obligation of nations to respect the legally binding principle of self-determination. Therefore, no dialogue on sovereignty was possible unless the Falkland Islanders so wished. The 2013 referendum, in which 99.8 per cent of those who voted wanted to maintain their current status as an Overseas Territory of the United Kingdom, had sent a clear message that the people of the Islands did not want dialogue on sovereignty. Argentina should respect those wishes.

64. His Government's relationship with the Falkland Islands, as with all of its Overseas Territories, was a modern one based on partnership, shared values and the rights of the people of each Territory to determine their own future. Argentina continued to deny that such fundamental human rights applied to the people of the Falkland Islands, and also to act in ways that went against the principles of the Charter.

65. **Mr. Mazzeo** (Argentina), replying to the remarks of the representative of the United Kingdom regarding the Malvinas Islands, reiterated the statements made in recent months by the President of Argentina to the General Assembly and by its Minister for Foreign Affairs and Worship to the Special Committee. His Government reaffirmed that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine national territory that, having been illegally occupied by the United Kingdom, were the subject of a sovereignty dispute between the two parties, which was recognized by various international organizations.

66. That illegal occupation had led the General Assembly to adopt resolution 2065 (XX) and nine subsequent resolutions, all of which recognized the existence of the sovereignty dispute over the Malvinas Islands and called upon the two countries to resume negotiations with a view to finding a peaceful and lasting solution to the dispute as soon as possible. For its part, the Special Committee had adopted several resolutions, most recently in June 2018, and the General Assembly of the Organization of American States had also adopted a new statement on the issue in similar terms the same month.

67. The right to self-determination of peoples did not apply in the case of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The illegitimate "referendum" held there had been a unilateral exercise that in no way changed the colonial essence of the question; it could not resolve the sovereignty dispute and had no effect on the legitimate rights of Argentina or the work of the Special Committee.

68. Any attempt to allow the British population on the islands to arbitrate a dispute to which their own country was a party distorted the right of self-determination of peoples, given that the situation did not involve a people in the sense of international law. The interests of the inhabitants of the Malvinas Islands were adequately addressed by resolutions of the General Assembly and by the Constitution of Argentina. Argentina reaffirmed its legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

69. **Mr. Sahraei** (Islamic Republic of Iran) said that he rejected the terminology used by the representative of Qatar to refer to the Persian Gulf. The term "Persian Gulf" was the time-honoured name for that body of water, as supported by historical evidence, and it enjoyed international recognition, including from the United Nations.

The meeting rose at 6 p.m.